

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
and VARIANCE - W/S Front Avenue,
283.8' SW of its intersection * ZONING COMMISSIONER
w/Seminary Avenue *
(1414 Front Avenue) * OF BALTIMORE COUNTY
8th Election District *
4th Councilmanic District * Case No. 96-196-XA

Thomas Bautz *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1414 Front Avenue, located in the vicinity of Railroad Avenue in historic Lutherville. The Petitions were filed by the owner of the property, Thomas Bautz, and the Contract Purchaser/Lessee, Ivy Lane Development Corporation, by Lewis E. Wolf, III, Project Manager, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a Class B Assisted Living Facility and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.3(2)(3) and (5) to permit parking and buildings within 75 feet of a tract boundary within a Residential Transition Area (RTA), and to allow clearing, grading and construction with 50 feet of the RTA; from Section 432.5.B.1.b(2) to permit parking in the front of proposed buildings in lieu of the required side and rear, and from Section 432.5.B.3.b for frontage on other than a principal arterial or location in an historic district; and from Section 1B01.2.C.1.a to permit a front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

RECEIVED

Appearing at the hearing on behalf of the Petitions were Lewis E. Wolf, Project Manager for Ivy Lane Development Corporation, the Contract Purchaser of the subject property, Robert Isennock, Jr. and Rick Chadsey with George W. Stephens, Jr. and Associates, Inc., the engineering firm which prepared the site plan for this project, and John B. Gontrum, Esquire, attorney for the Petitioners. Appearing as interested parties were Eric Rockel, a resident of the area who appeared on behalf of the Lutherville Community Association, Diana Itter with the Office of Planning and Zoning, and Robert A. Hoffman, Esquire, a local attorney.

Testimony and evidence offered revealed that the subject property consists of 2.37 acres, more or less, predominantly zoned D.R. 3.5; however, a small portion of the site is split zoned O-1 (0.037 acres) and B.L. (0.040 acres). The property is located adjacent to Front Avenue, not far from its intersection with Seminary Avenue, a major arterial road which transects the Lutherville community. The rear of the property abuts the Maryland Transit Authority's Light Rail Line. The surrounding properties are residential in nature and character; however, there are some commercial uses nearby. The history of the subject property is significant. This property came before me for consideration of a development plan in Case No. VIII-615 in which an eight-lot residential subdivision was proposed. That plan was approved by Order issued March 25, 1995, and affirmed on appeal. Therefore, at this time, Mr. Bautz has an approved, vested plan, which permits development of the site with eight single family dwellings.

However, Mr. Bautz has been contacted by Ivy Lane Development Corporation about an alternative development of the site. Under their proposal, a Class B Assisted Living Facility is proposed. Two buildings

will be constructed as shown on the elevation drawings submitted into evidence as Petitioner's Exhibit 2. These buildings will be one-story in height, and are designed to have a residential character and appearance. Each building will house up to 15 residents, or 30 residents total. The facility will provide a common eating area and individual rooms for each resident. Vehicular access to the site will be by way of the same access/egress point previously approved in the development plan case. Natural features on the site including a row of mature pine trees along Front Avenue will be preserved. A storm water management facility is proposed for the rear of the site adjacent to the property line abutting the Light Rail system.

The Petitioner obtained a waiver from the Hearing Officer's Hearing and development review process by the Development Review Committee on September 28, 1995. It is to be stressed that this proposal is presented as an alternative to the vested and approved development plan. The property owner will take either approach in development of this site and approval of this project does not constitute an abandonment of the previously approved development plan. Testimony indicated that the Developer has carried on significant discussions with both Baltimore County and the Lutherville Community Association about this project. Mr. Rockel from the Lutherville Community Association indicated that he actively participated in negotiations with the Developer and property owner to ensure this project's compatibility with surrounding uses. He was satisfied that the plan would be appropriate for this area and supports and endorses its approval.

The Office of Planning and Zoning (OPZ) submitted a lengthy Zoning Plans Advisory Committee (ZAC) comment, the provisions of which shall

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Date

By

be incorporated in any approval herein. Ms. Iitter indicated that the plan has been developed to incorporate OPZ's recommendations and requirements.

As to the Petition for Special Exception, the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As to the variance relief sought, the variances from RTA requirements are generated by virtue of the surrounding residential uses on all

sides of the property. If variance relief is not granted, the building envelopes would be nearly eliminated. Thus, the requested variance from RTA requirements is appropriate. The variance to permit parking in front of the building is appropriate due to the topography of the land and the need to construct a storm water management facility in the rear, which is the low point of this parcel. Furthermore, the proposed use will not generate a need for much parking. The variance from Section 432.5.b.3.b may not be necessary, but was requested because the regulations are not clear. The regulations require setbacks for the frontage on arterial roads in historic districts. Although the site is not in Baltimore County's historic district, it is located in the Lutherville National Register Historic District, a U.S. Government historic district. Also, an arterial road is not defined in this regulation and may be considered to be the Light Rail line. Therefore, out of an abundance of caution, I will grant the variance. Lastly, a variance from front yard setback requirements is necessary because of the unusual configuration and tapering of the lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

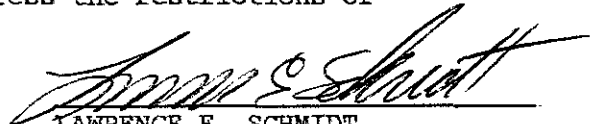
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of December, 1995 that the Petition for Special Exception for a Class B Assisted Living Facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.3(2)(3) and (5) to permit parking and buildings within 75 feet of a tract boundary within a Residential Transition Area

ORDER RECORDED & INDEXING
Date 12/18/95
By [Signature]

{RTA}, and to allow clearing, grading and construction with 50 feet of the RTA; from Section 432.5.B.1.b(2) to permit parking in the front of proposed buildings in lieu of the required side and rear, and from Section 432.5.B.3.b for frontage on other than a principal arterial or location in an historic district; and from Section 1B01.2.C.1.a to permit a front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning and Zoning dated December 11, 1995.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 12/18/95

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

December 18, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
W/S Front Avenue, 283.8' SW of its intersection w/Seminary Avenue
(1414 Front Avenue)
8th Election District - 4th Councilmanic District
Thomas Bautz - Petitioner
Case No. 96-196-XA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas Bautz
1414 Front Avenue, Lutherville, Md. 21093

Mr. Lewis E. Wolf, III, Ivy Lane Development Corporation
4807 Benson Lane, Baltimore, Md. 21227

Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204

Mr. Eric Rockel
1610 Riderwood Drive, Lutherville, Md. 21093

Messrs. Robert Isennock, Jr./Rick Chadsey, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

People's Counsel; Case/File

195



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 1414 Front Avenue

which is presently zoned D.R. 3.5

96-196-X

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Assisted Living facilities, Class B of four or more.

This Petition is offered as an alternative to the 8 lot development plan approved in Case VIII 615 and is not intended to supersede the previous approval.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Ivy Lane Development Corporation

(Type or Print Name)

Signature Lewis E. Wolff, III, Project Manager
4807 Benson Ave.

Address

Baltimore, MD 21227

City

State

Zipcode

Legal Owner(s)

Thomas Bautz

(Type or Print Name)

Signature Thomas E. Bautz
1414 Front Ave., Lutherville, MD 21093

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

Attorney for Petitioner:

John B. Contrum, Esquire

(Type or Print Name)

Signature John B. Contrum
CONTRUM & McLAUGHLIN, P.A.
814 Eastern Blvd. 686-8274

Address

Phone No.

Essex, Maryland 21221

City

State

Zipcode

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
No REVIEW
11/4/95
UCR



195



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1414 Front Avenue

96-196-X

which is presently zoned 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) See attachment.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) SEE ATTACHED STATEMENT

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Ivy Lane Development Corporation

(Type or Print Name)

James E. Wofford

Signature

4807 Benson Ave.

Address

Baltimore, MD 21227

City

State

Zipcode

Attorney for Petitioner.

John B. Contrum, Esquire

(Type or Print Name)

John B. Contrum

REMAKKA, CONTRUM & McLaughlin, P.A.

814 Eastern Blvd.

686-8274

Address

Phone No

Essex, Maryland 21221

City

State

Zipcode

Legal Owner(s)

Thomas Bautz

(Type or Print Name)

Thomas S. Bautz

Signature

1414 Front Ave., Lutherville, MD 21093

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
NO REVIEW
11/4/95
WCR



Attachment to Petition for Variance for 1414 Front Avenue.

96-196-X

The undersigned, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Variance from Section(s)

1B01.1B.e.(2)(3)(5) to permit parking and buildings within 75' of a tract boundary within a RTA and to allow clearing, grading and construction within 50' RTA;

and,

from guidelines contained in Section 432.5B.1.b.(2) to permit parking in the front of proposed buildings in lieu of side and rear and in Section 432.5B.3.b. for frontage on other than principal arterial or location in an historic district;

and,

Section 1B01.2C.1.a for front yard set back of 37' in lieu of the required 50' for a non-residential principal building.

STATEMENT OF REASONS

96-196-X

The subject property is uniquely configured in a D.R. 3.5 between the light rail line and Front Avenue. Its trapezoid shape, the existence of old trees buffering Front Avenue and topography all give rise to the variances sought.

The variances sought from the R.T.A. requirements are the result of trying to place the buildings away from the light rail line. Proximity to light rail is a real deterrent to residential living. At the same time the layout of the site is such that parking in the front of the buildings actually leads to a much less intrusive layout of the structures in relation to the houses across Front Avenue than rear parking.

Discussions with the Lutherville Community Association has led to the effort to preserve the landscaping along Front Avenue, which dictates the entrance way and hence the parking configuration. The buildings become more centered upon the lots and less bulky in appearance. As the elevations indicate, they will be very residential in character.

Waiver is requested also of the assisted living guidelines contained in Section 432.5B to have the parking located in the front and to have access onto Front Avenue. These guidelines are offered with respect to meeting compatibility requirements, and in this case given the location of the property the subject use is more compatible as planned than if the requirements were strictly followed. Front Street is not a principal arterial, but the light rail line has been considered as such in other cases. Having the property front on the light rail line, however, yields no benefits to anyone. The residents would be seeing a rail track as their primary view, and the rear of the buildings would be facing Front Street. The property is literally located just outside the boundaries of the Lutherville Historic District and less than 100 yards from Seminary Avenue, which also is a principal arterial roadway.

Parking again is better placed in the front of the buildings to soften the impact on the residential community, and discussions with both the community and with the Office of Planning and Zoning have led to the proposed configuration.

Strict adherence to the RTA and to the guidelines would in this case produce a result in direct contradiction to the purposes espoused by the guidelines and transition area, and would result in practical difficulty on both the developer and on the community, a result less compatible than the plan proposed.

The variance sought from Section 1B01.2C.1.a for a front yard setback of 37' in lieu of the required 50' for a non-residential principal building is done under the advice of zoning personnel although the use clearly is residential in character, and a variance would not be necessary either as a group house or as a multi-family dwelling. In addition, the building configuration was adopted as a means of harmonizing the fronts of the buildings and of providing a uniform appearance. As a point of fact the building face that lies within the 50' area could be slid backward outside the 50' area with no variance being necessary. The placement of

96-196-X
the buildings upon the lots was done to achieve a sense of balance, a minimization of obtrusiveness upon the neighborhood and an optimal utilization of the lot given its configuration. To reconfigure the building would not give the same balanced presentation as proposed.

96-196-X

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

195

Description to Accompany Special Exception and Variance Plat September 25, 1995
Bautz Property Page -1-

Beginning at a point on the westerly right-of-way of Front Avenue, said point --- being South 33 degrees 02 minutes 29 seconds West 283.80 feet more or less, from a point formed by the intersection of the centerlines of Seminary Avenue and Front Avenue, running thence leaving said point of beginning, along the westerly right-of-way of Front Avenue, along the following 4 courses.

1. South 26 degrees 17 minutes 29 seconds West 379.76 feet.
2. South 67 degrees 46 minutes 06 seconds West 360.01 feet,
3. North 48 degrees 41 minutes 51 seconds East 450.00 feet,
4. South 63 degrees 26 minutes 04 seconds East 191.65 feet, to the point of beginning.

Containing 2.370 acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS

658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

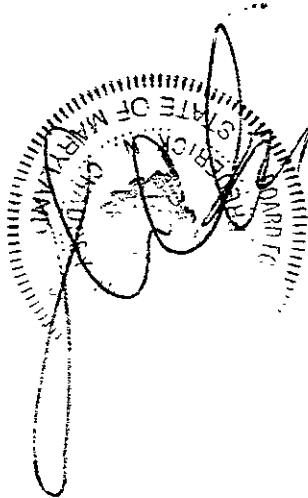
Description to Accompany Special Exception and Variance Plat November 30, 1995
Bautz Property Page -1-

Beginning at a point on the westerly right-of-way of Front Avenue, said point being South 33 degrees 02 minutes 29 seconds West 283.80 feet more or less, from a point formed by the intersection of the centerlines of Seminary Avenue and Front Avenue, running thence leaving said point of beginning, along the westerly right-of-way of Front Avenue, along the following 4 courses.

1. South 26 degrees 17 minutes 29 seconds West 379.76 feet.
2. South 67 degrees 46 minutes 06 seconds West 360.01 feet,
3. North 48 degrees 41 minutes 51 seconds East 439.32 feet,
4. South 63 degrees 26 minutes 04 seconds East 191.65 feet, to the point of beginning.

Containing 2.370 acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.



195

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-196-X
Towson, Maryland

District: 8th

Date of Posting: 11/27/95

Posted for: Special Exception - Varney

Petitioner: Thomas Baatz

Location of property: 14114 Front Street

Location of Sign: across road way on property being zoned

Remarks: _____

Posted by: M. J. [Signature]
Signature

Date of return: 12/1/95

Number of Signs: 1



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #93-196-X
(Item 195)

1414 Front Avenue
NW/8 Front Avenue, 284' SW of
C1 Sarlinway Avenue and SE/8
Northern Central Railroad right-
of-way

8th Election District
4th Councilmanic
Legal Owner(s):

Thomas Baulz

Contract Purchaser:
Ivy Lane Development Corpo-
ration

Hearing: Wednesday, December
13, 1995 at 9:00 a.m. in Rm.
118, Old Courthouse.

Special Exception: for assisted
living facilities, Class B, or four
or more, hereinafter, to permit
parking and buildings within 75
feet of a tract boundary within a
RTA and to allow clearing, grad-
ing and construction within 50
feet RTA, to permit parking in
the front of proposed buildings
in lieu of side and rear and for
frontage on other than principal
arterial or location in an historic
district, and for front yard set-
back of 37 feet in lieu of the re-
quired 50 feet for a
nonresidential principal build-
ing.

LAWRENCE E. SCHMIDT
Zoning Commissioner for

NOTES: (1) Hearings are
Baltimore County
Handicapped Accessible, for
Special Accommodations Please
Call 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

11/27/23 Nov. 23 9:18/28

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 30, 1995

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Nov. 23, 1995.

THE JEFFERSONIAN,

A. H. Enidman
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 154328

DROP-OFF — NO REVIEW
ITEM #19 #195

DATE 11/4/95 ACCOUNT 001-6150

96-196-X

AMOUNT \$620.00 (MCR)

RECEIVED FROM: Ivy Lane Development Corporation

#050 - SPX #020 - CV

#080 - SIGN (2)

FOR: 1414 Front Avenue

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

ITEM #195

DATE 12/4/95 ACCOUNT 001-6150

AMOUNT \$ 100.00 (JLL)

RECEIVED FROM: Rebecca & Robert Isennock, Jr.

FOR: #110 - REVISIONS

Bautz Property - 1414 Front Avenue

03A91#0235MICHRC

BA C002119PM12-04-95

\$100.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

ITEM #195

DATE 12/4/95 ACCOUNT 001-6150

AMOUNT \$ 100.00 (JLL)

RECEIVED FROM: Rebecca & Robert Isennock, Jr.

FOR: #110 - REVISIONS

Bautz Property - 1414 Front Avenue

03A91#0235MICHRC

BA C002119PM12-04-95

\$100.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

TO: PUTTOXENT PUBLISHING COMPANY

November 22/23, 1995 Issue - Jeffersonian

Please forward billing to:

John B. Sontrum, Esq.
814 Eastern Boulevard
Essex, Maryland 21221
686-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-196-X (Item 195)

1414 Front Avenue

NW/S Front Avenue, 284' SW of c/l Seminary Avenue and

SE/S Northern Central Railroad right-of-way

8th Election District - 4th Councilmanic

Legal Owner: Thomas Bantz

Contract Purchaser: Ivy Lane Development Corporation

Special Exception for assisted living facilities, Class B, of four or more.

Variance to permit parking and buildings within 75 feet of a tract boundary within a RTA and to allow clearing, grading and construction within 50 feet RTA; to permit parking in the front of proposed buildings in lieu of side and rear and for frontage on other than principal arterial or location in an historic district; and for front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building.

HEARING: WEDNESDAY, DECEMBER 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-196-X (Item 195)
1414 Front Avenue
NW/S Front Avenue, 284' SW of c/l Seminary Avenue and
SE/S Northern Central Railroad right-of-way
8th Election District - 4th Councilmanic
Legal Owner: Thomas Bantz
Contract Purchaser: Ivy Lane Development Corporation

Special Exception for assisted living facilities, Class B, of four or more.
Variance to permit parking and buildings within 75 feet of a tract boundary within a RTA and to allow clearing, grading and construction within 50 feet RTA; to permit parking in the front of proposed buildings in lieu of side and rear and for frontage on other than principal arterial or location in an historic district; and for front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building.

HEARING: WEDNESDAY, DECEMBER 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Thomas Bantz
Ivy Lane Development Corporation
John B. Gontrum, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 14, 1999

Ms. Leslie L. Leppado
Constellation Senior Services, Inc.
Ten Corporate Center, Suite 300
10400 Little Patuxent Parkway
Columbia, Maryland 21044

Dear Ms. Leppado:

RE: Zoning verification, 1420 Front Avenue, Zoning case #96-196-XA,
8th Election District

This letter confirms that 1420 Front Avenue is approved as a 15 resident class "B" assisted living facility pursuant to Zoning case #96-196-XA and issued approved building permit #B263288. Therefore, this location is approved for zoning as stated above.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Lewis", written over a large, stylized circular flourish.

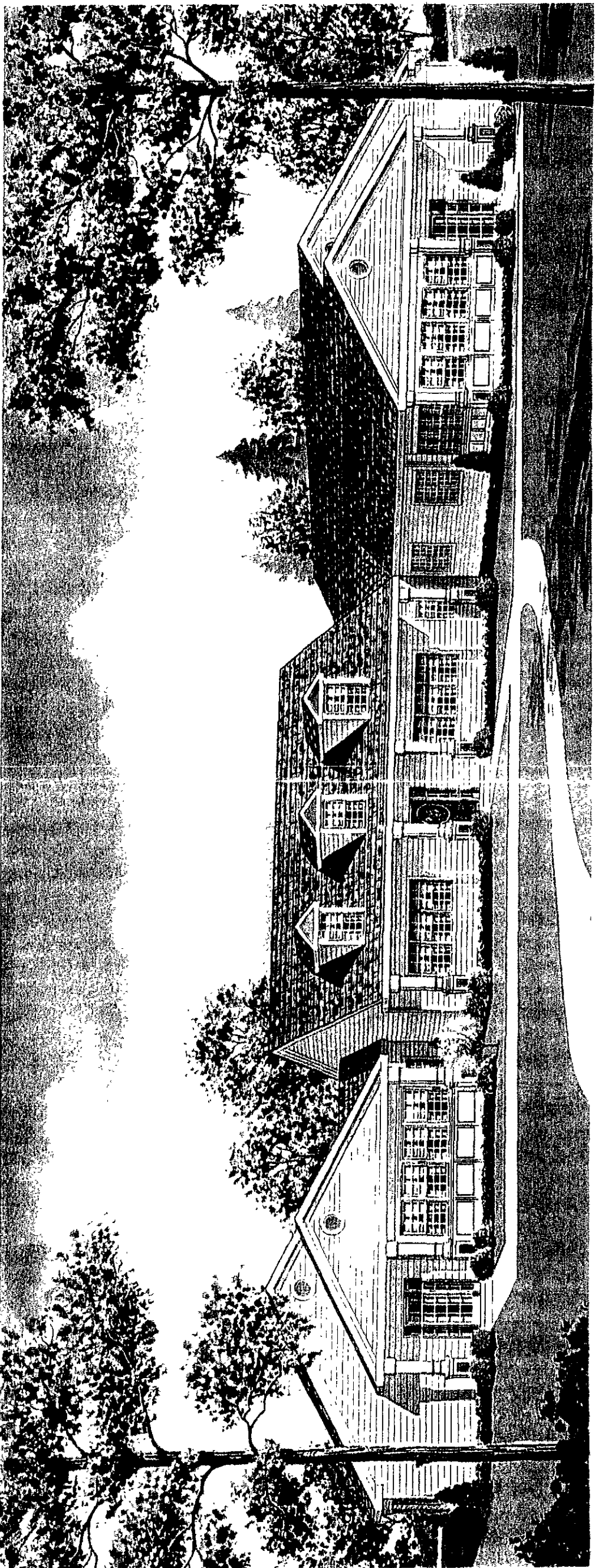
John L. Lewis
Planner II
Zoning Review

JLL:cjs

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 5, 1995

John B. Gontrum, Esquire
Romadka, Gontrum & McLaughlin, P.A.
814 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 195
Case No.: 96-196-X
Petitioner: Thomas Bautz

Dear Mr. Gontrum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 22, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 20, 1995
Item No. 195

The Development Plans Review Division has reviewed the subject zoning item. Front Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 53-foot right-of-way per Thomas Hamer, Deputy Director of Public Works.

The proposed entrance will be constructed per Dept. of Public Works Road and Street Detail Standard Plate R-32, Single Commercial Entrance.

The Special Exception Hearing requires that a schematic landscape plan be submitted for review prior to the hearing.

RWB:sw

*2.20.95
approved
RWB*

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Nov. 29, 1995
 Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
 Development Plans Review Division

RE: Zoning Advisory Committee Meeting
 for November 27, 1995
 Item No. 195

The Development Plans Review Division has reviewed the subject zoning item. A schematic landscape plan must be submitted as a condition of the Special Exception and Variance request.

RWB:sw

11/30/95

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/20/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: THOMAS BAUTZ

LOCATION: NW/S FRONT AVE., 284' SW OF CENTERLINE SEMINARY AVE. ALSO
SE/S NORTHERN CENTRAL RAILROAD (NCRR) RIGHT-OF-WAY.
(1414 FRONT AVE - BAUTZ PROPERTY)

Item No.: 195 Zoning Agenda: SPECIAL EXCEPTION / VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

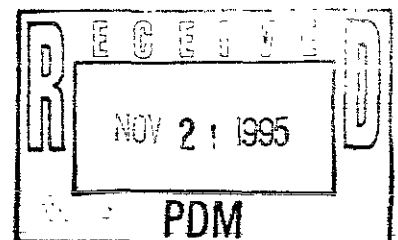
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



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**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-22-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 195 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

John B. Gontrum, Esquire
Romadka, Gontrum, and McLaughlin
814 Eastern Boulevard
Essex, MD 21221

96-196-X

RE: Preliminary Petition Review
Item #195
Legal Owner: Thomas Bautz
Contract Purchaser: Ivy Lane
Development Corporation
1414 Front Avenue
8th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Be aware that any amendment to an approved development plan will require a new development approval hearing, a Development Review Committee (DRC) action granting a refinement or other appropriate action by the DRC. This is in reference to the development plan number listed in the special exception petition; i.e., VIII-615.

ORIGINAL



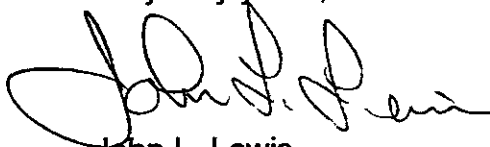
2. Multiple site plan requirements for zoning filing review are missing from the site plan. These include, but not necessarily limited to, the front building orientations, all building setbacks, dimensions of proposed lot lines, maximum building heights both in and out of RTA (35 feet in, 50 feet out). Provide engineer scaled dimensioned elevation drawings to confirm compliance on the plan. Variance non-compliance.
3. The RTA information is incomplete. An accurate RTA review requires the following information: Include on the plan and clearly label all off-site sources of RTA on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 150 feet of a proposed unlike use tract must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive residential transition areas must be labeled with the required and applicable 150 foot RTA dimension and included on the plan print. The 100 foot RTA area must also be labeled and shown. Clearly and conspicuously note on the plan: "All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA". Clearly label all unlike building fronts, label and dimension 75 foot RTA setbacks, 50 foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP. Remove any proposed private yard space from the required RTA planted buffers. Note on buildings or other uses to be removed from the RTA buffer area that the area will be replanted in accordance with the landscape manual.
4. Note on the plan if this site is, or is not, in the N.R.H.D. If so, the use is not permitted.
5. Drop the 4x bed density references on the plan. Section 432.5 (BCZR) does not use a bed/density count.
6. All variance requests must reference what is proposed as meeting the zoning requirements in lieu of that specific requirement. This is lacking on the petition request and is unclear on the plan. For example, what RTA buffers, setbacks, and dimensions (as well as location of these items) on the plan are proposed to comply, to what extent possible, with BCZR requirements.

John B. Gontrum, Esquire
November 16, 1995
Page 3

7. Is this a non-principal arterial location, as well as historic district? The petition wording does not make this clear.
8. The description and plan disagree in the P.O.B. to street centerline bearing; the first metes and bounds dimension is missing from the plan.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "John L. Lewis". The signature is fluid and cursive, with a large initial "J" and "L".

John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

B A L T I M O R E C O U N T Y, M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

95-196-X

TO: Arnold Jablon, Director
Permits & Development Management

DATE: December 11, 1995

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Thomas Bautz Property - Item #195

INFORMATION:

Item Numbers: 195

Petitioner: Thomas Bautz

Property Size: 2.37 acre

Zoning: DR 3.5 - 2.293 acre, 0 1 - .037 acre,
BL - .040 acre

Requested Action: Special Exception for Assisted Living
Facility, Class B and Variances

Hearing Date: 12/13/95

The Petitioner has requested a Special Exception for a thirty bed Class B Assisted Living Facility that is subject to a compatibility finding pursuant to Section 26-282 of the Baltimore County Development Regulations and Section 432.5.B.1.d of the Baltimore County Zoning Regulations. (See attached Compatibility Analysis.) Variances are also requested from the following: 1. Section 1B01.1.B.e(2) (3) (5) for parking and buildings within 75 feet of a tract boundary within a residential transition area (r.t.a) and to allow clearing and construction within a 50 foot r.t.a. 2. Section 432.5.B.1.b(2) to permit parking in the front of the building in lieu of the side and rear yard and from Section 432.5.B.3.b. for frontage on a road other than a principal arterial 3. Section 1B01.2.C.1.a for a front yard setback of 37' in lieu of 50'.

Since the subject property, known as the Bautz property, is located within the Lutherville National Register Historic District and in proximity to the Lutherville Baltimore County Historic District, the Baltimore County Landmarks Commission may provide a supplemental comment.

Zoning History

The Bautz property was previously the subject of a hearing officer's hearing, Case No. VIII - 615 in which a single family lot subdivision of eight lots was approved by Zoning Commissioner Lawrence E. Schmidt, amended order of March 25, 1993. After appeal to the County Board of Appeals, a consent order was issued on June 29, 1993 upholding the Zoning Commissioner's ruling. More recently, on September 26, 1995, the Development Review Committee granted a limited exemption pursuant to Section 26-171(b)(9) of the Baltimore County Development Regulations for two 22,000 square foot buildings for a Class B assisted living facility. Development plan approval has not yet occurred for this site.

Special Exception and Variances - Recommendations:

It is the opinion of this office that the proposed Class B Assisted Living facility has been designed in a manner that is highly compatible with the surrounding land uses. The site is unique in nature, containing 2.37 acres, bounded by the Central Transit Light Rail on the west, mature evergreen trees on Front Avenue on the east, the Creighton Center office complex on the south, and residential uses to the north. The variances as requested should be granted, the parking in the front is well screened from view of the residences on the east side of Front Avenue by mature evergreen trees 40 feet in height and a proposed hedge. Due to the irregular nature of the property and the necessity to provide a greenway easement for a future hike and bike trail, it is impractical to provide the 50 foot front yard setback and to locate parking and buildings 75 feet from the tract boundary within the r.t.a.

This office recommends approval of the Special Exception and Variances subject to the following conditions: (See Compatibility Analysis for further detail.)

1. The development plan should incorporate details showing the proposed sign, entry treatment and a lighting scheme and detail. An internal pathway system should be shown which complements the seating area in the open space between the buildings and provides access to Front Avenue. The sign should incorporate architectural elements such as stone or brick columns and pedestals that accent the entry way.
2. The type and proposed colors of building materials should be noted on the Development Plan. Preferred colors are the light tones such as cameo, champagne, almond, or sage in the narrow width for the vinyl siding.
3. The Development Plan shall be subject to approval by the Director of Planning. Before granting approval, the Director of Planning shall consult with the Landmarks Preservation Commission.

RECEIVED
DEC 15 1995

COMPATIBILITY ANALYSIS

Section 26-282 (2) of The Baltimore County Development Regulations requires the Director Of Planning to make compatibility recommendations to the Hearing Officer for development of a Class B Assisted Living Facility. The Office of Planning has reviewed the Site Plan, Landscape Plan and the Bautz Property architectural elevations, site sections and photographs and offers the following Compatibility analysis.

The 8 compatibility objectives of the Comprehensive Manual of Development Policy (CMDP) and Section 26-282(b) of the Baltimore County Code are listed below. The application to this plan follows the objective.

1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood.

The buildings are clustered behind the existing Norway Spruce trees and are front oriented to Front Avenue. The front building setback is staggered, approximating the average front setback of the dwellings on the east side of Front Avenue.

2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.

The improvements are patterned in a similar manner to those in the neighborhood.

The parking lot consists of a single loaded parking bay, oriented in proximity to the front of the building and intensively screened.

3. The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.

A traditional sidewalk parallel to Front Avenue is not possible due to the existing Norway Spruce trees, which are a significant site feature which must be preserved. A Waiver of Sidewalks on Front Avenue was previously approved and is still reasonable. However, an internal path should be extended to the southeast corner of the property with a gate to Front Avenue.

4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.

The site has an internal open space system which incorporates benches. It can be further enhanced by adding a gazebo and an interior pathway system.

In accordance with the Baltimore County Master Plan 1989-2000, a 13' wide greenway easement has been shown to the rear of the property. The greenway will be established as a bike and hike trail when connected to an overall system.

10/15/2000

5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.

The existing 40' Norway Spruce trees are being preserved and enhanced by the addition of a low hedge. The major deciduous trees that provide a buffer along the central transit light rail edge are also being preserved.

6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.

As previously stated, the existing Norway Spruce are a dominant site feature and provide an attractive edge for the site. The proposed landscaping at the entrance to the site accents the entryway.

7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

It is preferred that the sign be designed to incorporate architectural elements such as stone or brick columns that accent the entrance way. A traditional element such as pedestals should be incorporated with the sign. Together with the proposed hedge, they will provide a motif that relates the project to the historic district.

8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

The scale and massing is effectively reduced through the articulation of the building into what reads as three separate sections. The window treatments and dormers add a residential character.

A lighting scheme and detail as well as a final sign detail should be provided for review and approval by the Office of Planning on the Development Plan. Before granting approval, the Director of Planning shall consult with the Landmarks Preservation Commission.

The type of building materials proposed should be reviewed by this Office; a note should be added to the Development Plan stating the specific materials proposed. The vinyl siding is preferred to be light in color and tone. The Dove Gray fiberglass architectural shingles for the roof are acceptable.

The Office of Planning recommends to the Hearing Officer that this Development meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations subject to the Development Plan recommendations.

Prepared by: *Diane Atter*

Division Chief: *Caryl Kerns*

AFK:bjs

195

THIS DROP-OFF PETITION IS BEING RETURNED AS TWO QUESTIONS MUST BE ANSWERED BEFORE ANY PETITION CAN BE DROPPED-OFF. THE QUESTIONS THAT NEED TO BE ANSWERED ARE: (1) ARE THERE ANY VIOLATIONS ON THIS PROPERTY AND (2) HAS ANYONE IN THIS OFFICE REVIEWED THIS BEFORE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS POLICY, CONTACT CARL RICHARDS IN THE ZONING OFFICE AT 887-3391.

11/7
1) - no violations - asked
and answered

- no rest

2) John Lewis looked at
John Garton - if

RE: PETITION FOR SPECIAL EXCEPTION	*	BEFORE THE
PETITION FOR VARIANCE		
1414 Front Avenue, NW/S Front Avenue,	*	ZONING COMMISSIONER
284' SW of c/l Seminary Avenue and SE/S		
Northern Central Railroad right-of-way	*	OF BALTIMORE COUNTY
8th Election District, 4th Councilmanic		
	*	CASE NO. 96-196-XA
Thomas Bautz		
Petitioner	*	

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Gontrum, Esquire, Romadka, Gontrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
DEC 15 1995
BALTIMORE COUNTY



TOWSON
658 KENILWORTH DRIVE
SUITE 100
TOWSON, MARYLAND 21204
410/825-8120
FAX 410/583-0288

**GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS**

BEL AIR
203 EAST BROADWAY
BEL AIR, MARYLAND 21014
410/879-1500
410/838-3800
FAX 410/893-0425

TO: PDM

DATE: Thursday, November 30, 1995

REFERENCE: BAUTZ PROPERTY

ATTENTION: JOHN LEWIS

We are:

- ☒ Submitting ☐ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES	DESCRIPTION
3	DESCRIPTION OF THE SITE
14	SITE PLANS
1	\$100 CHECK

- | | |
|---|---|
| <input type="checkbox"/> In accordance with your request | <input type="checkbox"/> For your use |
| <input checked="" type="checkbox"/> For your review | <input type="checkbox"/> Please call when ready |
| <input type="checkbox"/> For processing | <input type="checkbox"/> Please return to this office |
| <input type="checkbox"/> Plans reviewed and accepted | <input type="checkbox"/> Approval requested |
| <input type="checkbox"/> Plans reviewed and accepted as noted | <input type="checkbox"/> Meeting requested |

Remarks:

For further information, please contact the writer at this office.

cc:

Sincerely yours,

DEAN HOOVER

**REVISED PLANS +
DESCRIPTION
OK FOR ZONING ACCEPTANCE
JLL.**

ITEM # 195 - 96-196-X



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 30, 1999

McGuire, Woods, Battle & Boothe LLP
7 Saint Paul Street, Suite 1000
Baltimore, MD 21202
Attn: Charmayne E. Litz, Paralegal

Dear Gentlemen:

RE: Assisted living facility known as Ivy Lane/Bautz Property (the "Project"), 1414 and 1420 Front Ave, 8th Election District

Based on the information provided on the ALTA/ASCM Land Title Survey for the above addresses, please be advised of the following as Zoning Review issues as of the date hereof:

1. Current Zoning: The Land on which the Project is constructed is predominantly zoned D.R. 3.5, and is subject only to the use restrictions generally applicable to that classification which are contained in the Baltimore County Zoning Regulations.
2. Conformance with Current Zoning Requirements: Based on the materials available from our records, we have no reason to believe that either the use of the Property or the improvements thereon are nonconforming.
3. Right to Rebuild Following Casualty. In the event of casualty, the Project may be rebuilt substantially in its current form (i.e., no loss of square footage, same building footprint) upon satisfaction of the following conditions and/or limitations: per zoning case 96-196-XA and the approved Development Plan under DRC #09265A (copy of Zoning Order and Restrictions attached)
4. No Further Approvals or Licenses Required. The current use of the Project by its present owners for 2 Class B 15 Residents (each) Assisted Living Facility purposes is a permitted use under the Zoning Ordinance without the necessity of any rezoning, use permit, variance or other approval other than as stated above. We are not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Project or before the Project may continue to be used in the manner in which it is presently being used.
5. Compliance with Subdivision Regulations. Due to the prior approvals staff assumes that the Project complies with, or is otherwise exempt from, applicable subdivision regulations.



Census 2000



For You, For Baltimore County



Census 2000



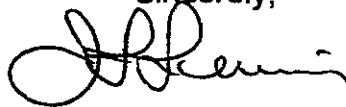
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on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

6. Parking. The required number of parking spaces for this Property is 23 spaces i.e.; 1 space for each 3 residents to the best of our knowledge.
7. No Applications Pending. No application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Project, is now pending. No proceeding to challenge the zoning, or other governmental approval or use of the Project is pending, or, to the best of our knowledge, overtly threatened.
8. Certificates of Occupancy Issued. A valid final certificate of occupancy under permit #B263288 has been issued and is now outstanding for the Project. Staff is not aware of any other occupancy approvals.
9. No Violations; All Development-Related Fees Paid. We are unaware of (i) the existence of any violations or alleged violations of any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years, or (ii) any enforcement proceedings against the Project that are pending or contemplated. Since permits have been issued staff assumes that all fees required to have been paid in connection with the development and use of the Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project are otherwise pending or contemplated.

To the best of our knowledge the Project is not in violation of any rent control regulations.

Sincerely,



John L. Lewis
Planner II
Zoning Review

JLL:rsj

Enclosure

c: 96-196-XA

**McGUIRE WOODS
BATTLE & BOOTHE LLP**

7 Saint Paul Street, Suite 1000
Baltimore, Maryland 21202-1626
Telephone/TDD (410) 659-4400 • Fax (410) 659-4599

Charmayne E. Litz
E-mail: celitz@mwbb.com

September 14, 1999

VIA FEDERAL EXPRESS

Baltimore County Department of Permits
and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: John Lewis

Re: Zoning Verification for Tax I.D. Nos. 08-22-00027193 and 08-22-00027194
Owner: Hearthomes Residence at Lutherville
Property Address: 1414 & 1420 Front Avenue, Lutherville, Baltimore County,
Maryland

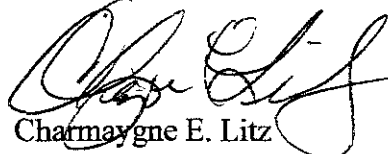
Dear Mr. Lewis:

In connection with the above-referenced request, enclosed please find the survey for the property. I am assuming that this will be enough for you to complete your letter.

Please have the letter forwarded directly to the undersigned at the law firm of McGuire, Woods, Battle & Boothe LLP, 7 Saint Paul Street, Suite 1000, Baltimore, Maryland 21202.

If you have any questions or comments, please do not hesitate to contact me directly at the number indicated above.

Very truly yours,


Charmayne E. Litz
Legal Assistant

cc: Ann L. Ramsey, Esquire

9/15/99
c8
100%
no check
To: ~~SS~~ JLL
9/17/99
w/1#
Direct Dial: 410-659-4425
Direct Fax: 410-659-4475
9/17/99 TC to
Charmayne
See Prior
Letter

99-2399
99-1926

McGUIRE WOODS
BATTLE & BOOTHE LLP

7 Saint Paul Street, Suite 1000
Baltimore, Maryland 21202-1626
Telephone/TDD (410) 659-4400 • Fax (410) 659-4599

Charmayne E. Litz
E-mail: celitz@mwbb.com

Direct Dial: 410-659-4425
Direct Fax: 410-659-4475

July 19, 1999

VIA FEDERAL EXPRESS

Baltimore County Department of Permits
and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204
Attn: Arnold Jablon

Re: Zoning Verification for Tax I.D. Nos. 08-22-00027193 and 08-22-00027194
Owner: Hearthomes Residence at Lutherville
Property Address: 1414 & 1420 Front Avenue, Lutherville, Baltimore County,
Maryland

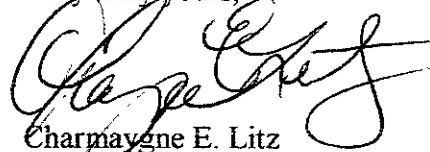
Dear Sir/Madam:

I would like to request that the Department of Permits and Development Management issue a zoning verification letter in the form similar to the letter attached hereto concerning the above-referenced property. I have enclosed a check in the amount of \$40.00 to cover the fee for this issuance.

Please have the letter forwarded directly to the undersigned at the law firm of McGuire, Woods, Battle & Boothe LLP, 7 Saint Paul Street, Suite 1000, Baltimore, Maryland 21202.

If you have any questions or comments, please do not hesitate to contact me directly at the number indicated above.

Very truly yours,


Charmayne E. Litz
Legal Assistant

cc: Ann L. Ramsey, Esquire

6/20/99
cf
WCF
To: JLL
7/22/99
ua
Washen
needed info
Zoning History? 7/26
Site Plan? on file
MSG WITH SEC. VOICE
MAIL, 7/26
MSG TO SEC TO
HAVE HER CALL
ME TOMORROW
7/27.
7/29 VOICE
MAIL
8/2/99
M LITZ CALLED
ADVISED NEED
FOR INFO
SITE PLAN
ANWAY

99-1926

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
and VARIANCE - W/S Front Avenue,
283.8' SW of its intersection * ZONING COMMISSIONER
w/Seminary Avenue * OF BALTIMORE COUNTY
(1414 Front Avenue)
8th Election District * Case No. 96-196-XA
4th Councilmanic District

Thomas Bautz *
Petitioner
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1414 Front Avenue, located in the vicinity of Railroad Avenue in historic Lutherville. The Petitions were filed by the owner of the property, Thomas Bautz, and the Contract Purchaser/Lessee, Ivy Lane Development Corporation, by Lewis E. Wolf, III, Project Manager, through their attorney, John B. Gontrum, Esquire. The Petitioners seek a special exception for a Class B Assisted Living Facility and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.3(2)(3) and (5) to permit parking and buildings within 75 feet of a tract boundary within a Residential Transition Area (RTA), and to allow clearing, grading and construction with 50 feet of the RTA; from Section 432.5.B.1.b(2) to permit parking in the front of proposed buildings in lieu of the required side and rear, and from Section 432.5.B.3.b for frontage on other than a principal arterial or location in an historic district; and from Section 1B01.2.C.1.a to permit a front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING

Date

By

12/18/95
JBP
MICROFILM

Appearing at the hearing on behalf of the Petitions were Lewis E. Wolf, Project Manager for Ivy Lane Development Corporation, the Contract Purchaser of the subject property, Robert Isenock, Jr. and Rick Chadsey with George W. Stephens, Jr. and Associates, Inc., the engineering firm which prepared the site plan for this project, and John B. Gontrum, Esquire, attorney for the Petitioners. Appearing as interested parties were Eric Rockel, a resident of the area who appeared on behalf of the Lutherville Community Association, Diana Itter with the Office of Planning and Zoning, and Robert A. Hoffman, Esquire, a local attorney.

Testimony and evidence offered revealed that the subject property consists of 2.37 acres, more or less, predominantly zoned D.R. 3.5; however, a small portion of the site is split zoned O-1 (0.037 acres) and B.L. (0.040 acres). The property is located adjacent to Front Avenue, not far from its intersection with Seminary Avenue, a major arterial road which transects the Lutherville community. The rear of the property abuts the Maryland Transit Authority's Light Rail Line. The surrounding properties are residential in nature and character; however, there are some commercial uses nearby. The history of the subject property is significant. This property came before me for consideration of a development plan in Case No. VIII-615 in which an eight-lot residential subdivision was proposed. That plan was approved by Order issued March 25, 1995, and affirmed on appeal. Therefore, at this time, Mr. Bautz has an approved, vested plan, which permits development of the site with eight single family dwellings.

However, Mr. Bautz has been contacted by Ivy Lane Development Corporation about an alternative development of the site. Under their proposal, a Class B Assisted Living Facility is proposed. Two buildings

UNDER RECEIVED
Date 12/18/95
By [Signature]

will be constructed as shown on the elevation drawings submitted into evidence as Petitioner's Exhibit 2. These buildings will be one-story in height, and are designed to have a residential character and appearance. Each building will house up to 15 residents, or 30 residents total. The facility will provide a common eating area and individual rooms for each resident. Vehicular access to the site will be by way of the same access/egress point previously approved in the development plan case. Natural features on the site including a row of mature pine trees along Front Avenue will be preserved. A storm water management facility is proposed for the rear of the site adjacent to the property line abutting the Light Rail system.

The Petitioner obtained a waiver from the Hearing Officer's Hearing and development review process by the Development Review Committee on September 28, 1995. It is to be stressed that this proposal is presented as an alternative to the vested and approved development plan. The property owner will take either approach in development of this site and approval of this project does not constitute an abandonment of the previously approved development plan. Testimony indicated that the Developer has carried on significant discussions with both Baltimore County and the Lutherville Community Association about this project. Mr. Rockel from the Lutherville Community Association indicated that he actively participated in negotiations with the Developer and property owner to ensure this project's compatibility with surrounding uses. He was satisfied that the plan would be appropriate for this area and supports and endorses its approval.

The Office of Planning and Zoning (OPZ) submitted a lengthy Zoning Plans Advisory Committee (ZAC) comment, the provisions of which shall

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Date

By

be incorporated in any approval herein. Ms. Itter indicated that the plan has been developed to incorporate OPZ's recommendations and requirements.

As to the Petition for Special Exception, the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As to the variance relief sought, the variances from RTA requirements are generated by virtue of the surrounding residential uses on all

ORDER RECEIVED FOR FILING

Date

By

sides of the property. If variance relief is not granted, the building envelopes would be nearly eliminated. Thus, the requested variance from RTA requirements is appropriate. The variance to permit parking in front of the building is appropriate due to the topography of the land and the need to construct a storm water management facility in the rear, which is the low point of this parcel. Furthermore, the proposed use will not generate a need for much parking. The variance from Section 432.5.b.3.b may not be necessary, but was requested because the regulations are not clear. The regulations require setbacks for the frontage on arterial roads in historic districts. Although the site is not in Baltimore County's historic district, it is located in the Lutherville National Register Historic District, a U.S. Government historic district. Also, an arterial road is not defined in this regulation and may be considered to be the Light Rail line. Therefore, out of an abundance of caution, I will grant the variance. Lastly, a variance from front yard setback requirements is necessary because of the unusual configuration and tapering of the lot.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING

Date

By

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

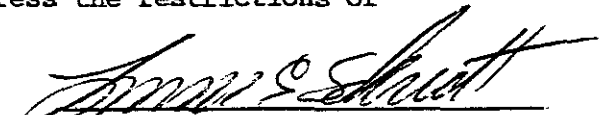
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of December, 1995 that the Petition for Special Exception for a Class B Assisted Living Facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.3(2)(3) and (5) to permit parking and buildings within 75 feet of a tract boundary within a Residential Transition Area

(RTA), and to allow clearing, grading and construction with 50 feet of the RTA; from Section 432.5.B.1.b(2) to permit parking in the front of proposed buildings in lieu of the required side and rear, and from Section 432.5.B.3.b for frontage on other than a principal arterial or location in an historic district; and from Section 1B01.2.C.1.a to permit a front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning and Zoning dated December 11, 1995.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 6/18/95

By [Signature]



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 14, 1999

Ms. Leslie L. Leppado
Constellation Senior Services, Inc.
Ten Corporate Center, Suite 300
10400 Little Patuxent Parkway
Columbia, Maryland 21044

Dear Ms. Leppado:

RE: Zoning verification, 1420 Front Avenue, Zoning case #96-196-XA,
8th Election District

This letter confirms that 1420 Front Avenue is approved as a 15 resident class "B" assisted living facility pursuant to Zoning case #96-196-XA and issued approved building permit #B263288. Therefore, this location is approved for zoning as stated above.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "John L. Lewis", is written over a large, stylized circular flourish.

John L. Lewis
Planner II
Zoning Review

JLL:cjs

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

Community

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Eric Roedel

1610 Ridgewood DR. Lutherville 21093



PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

Rob Hoffman

ADDRESS

210 Allegheny Ave. 21204



2025-01-14 14:14:14

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

LEWIS E. WOLF III

4807 BENSON AVENUE

IVY LANE DEVELOPMENT CORP.

BALTIMORE, MD. 21227

ROBERT J. JENNIFER TR

11 11 536-0000

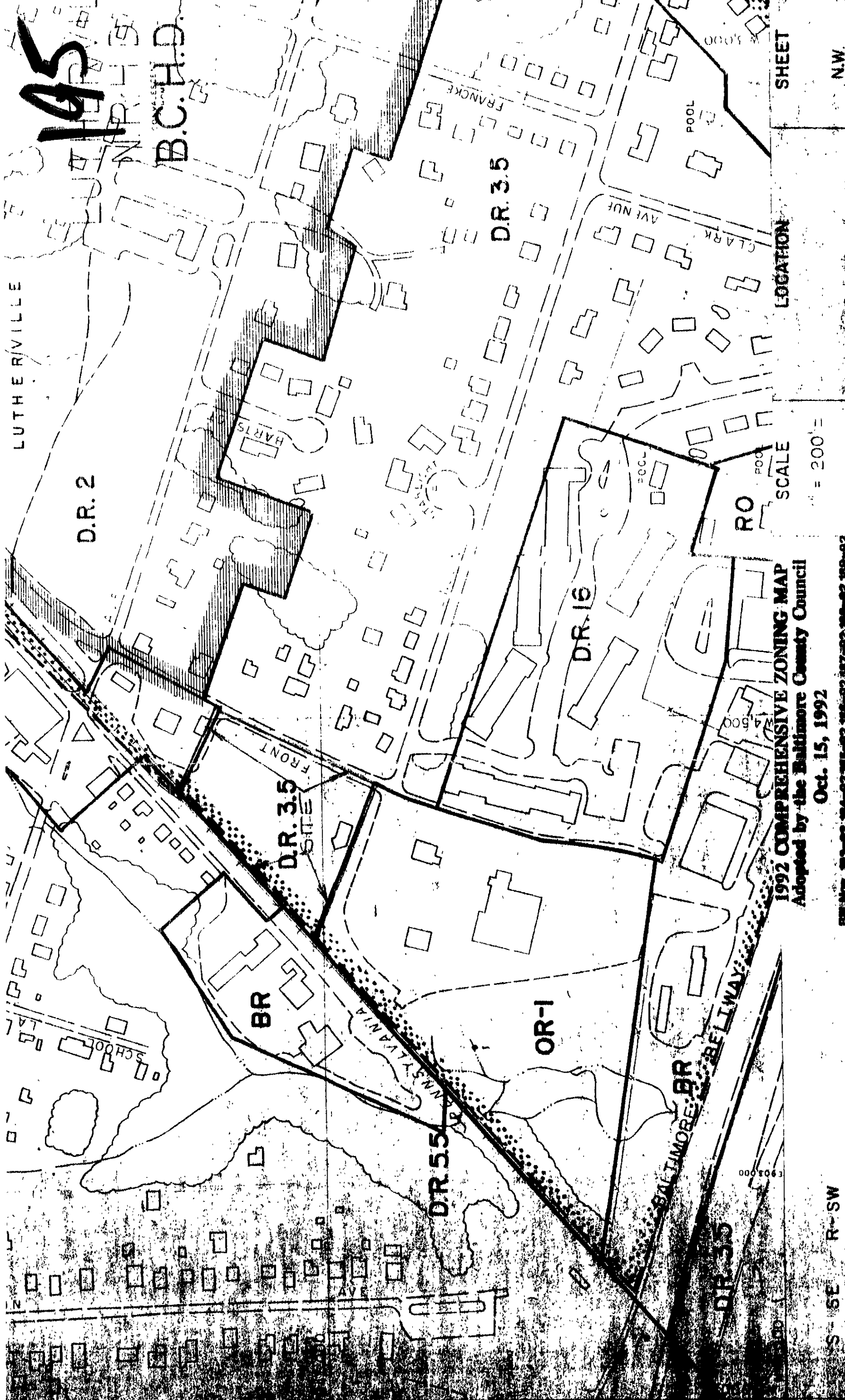
RICK CHADSEY

658 KENILWORTH DR. 21204



145

B.C.H.D.



LOCATION

SHEET

SCALE
1" = 200'

LUTHERVILLE

DATE OF
PHOTOGRAPHY
JANUARY
1986

William A. Howard IV
Chairman, County Council

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council

Oct. 15, 1992

ENR Nos. 83-82, 84-82, 85-82, 86-82, 87-82, 88-82, 89-82

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
PHOTOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY S. CHART-HORN, INC. BALTIMORE, MD. 21210

S - SE R - SW

IN RE: PETITIONS FOR SPECIAL EXCEPTION
and VARIANCE - W/S Front Avenue,
283.8' SW of its intersection
w/Seminary Avenue
(1414 Front Avenue)
8th Election District
4th Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-196-XA

Thomas Bautz
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as 1414 Front Avenue, located in the vicinity of Railroad Avenue in historic Lutherville. The Petitions were filed by the owner of the property, Thomas Bautz, and the Contract Purchaser/Lessee, Ivy Lane Development Corporation, by Lewis E. Wolf, III, Project Manager, through their attorney, John E. Gontrum, Esquire. The Petitioners seek a special exception for a Class B Assisted Living Facility and variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.3(2)(3) and (5) to permit parking and buildings within 75 feet of a tract boundary within a Residential Transition Area (RTA), and to allow clearing, grading and construction with 50 feet of the RTA; from Section 432.5.B.1.b(2) to permit parking in the front of proposed buildings in lieu of the required side and rear, and from Section 432.5.B.3.b for frontage on other than a principal arterial or location in an historic district; and from Section 1B01.2.C.1.a to permit a front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

Appearing at the hearing on behalf of the Petitions were Lewis E. Wolf, Project Manager for Ivy Lane Development Corporation, the Contract Purchaser of the subject property, Robert Isenock, Jr. and Rick Chadsey with George W. Stephens, Jr. and Associates, Inc., the engineering firm which prepared the site plan for this project, and John E. Gontrum, Esquire, attorney for the Petitioners. Appearing as interested parties were Eric Rockel, a resident of the area who appeared on behalf of the Lutherville Community Association, Diana Itter with the Office of Planning and Zoning, and Robert A. Hoffman, Esquire, a local attorney.

Testimony and evidence offered revealed that the subject property consists of 2.37 acres, more or less, predominantly zoned D.R. 3.5; however, a small portion of the site is split zoned O-1 (0.037 acres) and B.L. (0.040 acres). The property is located adjacent to Front Avenue, not far from its intersection with Seminary Avenue, a major arterial road which transects the Lutherville community. The rear of the property abuts the Maryland Transit Authority's Light Rail Line. The surrounding properties are residential in nature and character; however, there are some commercial uses nearby. The history of the subject property is significant. This property came before me for consideration of a development plan in Case No. VIII-615 in which an eight-lot residential subdivision was proposed. That plan was approved by Order issued March 25, 1995, and affirmed on appeal. Therefore, at this time, Mr. Bautz has an approved, vested plan, which permits development of the site with eight single family dwellings.

However, Mr. Bautz has been contacted by Ivy Lane Development Corporation about an alternative development of the site. Under their proposal, a Class B Assisted Living Facility is proposed. Two buildings

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

- 2 -

will be constructed as shown on the elevation drawings submitted into evidence as Petitioner's Exhibit 2. These buildings will be one-story in height, and are designed to have a residential character and appearance. Each building will house up to 15 residents, or 30 residents total. The facility will provide a common eating area and individual rooms for each resident. Vehicular access to the site will be by way of the same access/egress point previously approved in the development plan case. Natural features on the site including a row of mature pine trees along Front Avenue will be preserved. A storm water management facility is proposed for the rear of the site adjacent to the property line abutting the Light Rail system.

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The Office of Planning and Zoning (OPZ) submitted a lengthy Zoning Plans Advisory Committee (ZAC) comment, the provisions of which shall

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

- 3 -

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As to the Petition for Special Exception, the B.C.Z.R. permits the use proposed in a D.R. 3.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As to the variance relief sought, the variances from RTA requirements are generated by virtue of the surrounding residential uses on all

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

- 4 -

sides of the property. If variance relief is not granted, the building envelopes would be nearly eliminated. Thus, the requested variance from RTA requirements is appropriate. The variance to permit parking in front of the building is appropriate due to the topography of the land and the need to construct a storm water management facility in the rear, which is the low point of this parcel. Furthermore, the proposed use will not generate a need for much parking. The variance from Section 432.5.B.3.b may not be necessary, but was requested because the regulations are not clear. The regulations require setbacks for the frontage on arterial roads in historic districts. Although the site is not in Baltimore County's historic district, it is located in the Lutherville National Register Historic District, a U.S. Government historic district. Also, an arterial road is not defined in this regulation and may be considered to be the Light Rail line. Therefore, out of an abundance of caution, I will grant the variance. Lastly, a variance from front yard setback requirements is necessary because of the unusual configuration and tapering of the lot.

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- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether a grant of the variance would do a substantial justice to the applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give sufficient relief; and,
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

- 5 -

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of December, 1995 that the Petition for Special Exception for a Class B Assisted Living Facility, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 1B01.1.B.3(2)(3) and (5) to permit parking and buildings within 75 feet of a tract boundary within a Residential Transition Area

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

- 6 -

(RTA), and to allow clearing, grading and construction with 50 feet of the RTA; from Section 432.5.B.1.b(2) to permit parking in the front of proposed buildings in lieu of the required side and rear, and from Section 432.5.B.3.b for frontage on other than a principal arterial or location in an historic district; and from Section 1B01.2.C.1.a to permit a front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Office of Planning and Zoning dated December 11, 1995.
- 3) When applying for a building permit, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 12/18/95
By JEP

- 7 -



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

December 18, 1995

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

John B. Gontrum, Esquire
Romacka, Gontrum & McLaughlin
814 Eastern Boulevard
Baltimore, Maryland 21221

RE: PETITIONS FOR SPECIAL EXCEPTION & VARIANCE
W/S Front Avenue, 283.8' SW of its intersection w/Seminary Avenue
(1414 Front Avenue)
8th Election District - 4th Councilmanic District
Thomas Bautz - Petitioner
Case No. 96-196-XA

Dear Mr. Gontrum:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Thomas Bautz
1414 Front Avenue, Lutherville, Md. 21093

Mr. Lewis E. Wolf, III, Ivy Lane Development Corporation
4807 Benson Lane, Baltimore, Md. 21227

Robert A. Hoffman, Esquire, Venable, Baetjer & Howard
210 Allegheny Avenue, Towson, Md. 21204

Mr. Eric Rockel
1610 Ridewood Drive, Lutherville, Md. 21093

Messrs. Robert Isenock, Jr./Rick Chadsey, G. W. Stephens, Jr. & Assoc.
658 Kenilworth Drive, Suite 100, Towson, Md. 21204

People's Counsel; Case File

Printed with Signature Ink

195
Petition for Special Exception
to the Zoning Commissioner of Baltimore County
for the property located at 1414 Front Avenue
which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for Assisted Living facilities, Class B of four or more.

This Petition is offered as an alternative to the 8 lot development plan approved in Case VIII 615 and is not intended to supersede the previous approval.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Ivy Lane Development Corporation
(Type or Print Name)
John B. Contrum, Esquire
(Type or Print Name)
1414 Front Ave., Lutherville, MD 21093
Baltimore, MD 21227

Legal Owner(s)
Thomas Bautz
(Type or Print Name)
1414 Front Ave., Lutherville, MD 21093
Baltimore, MD 21227

ORDER RECEIVED FOR FILING
Date 11/4/95
By [Signature]
DROP-OFF
NO REVIEW
11/4/95
WCR

195
Petition for Variance
to the Zoning Commissioner of Baltimore County
for the property located at 1414 Front Avenue
which is presently zoned 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) See attachment.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) SEE ATTACHED STATEMENT

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee
Ivy Lane Development Corporation
(Type or Print Name)
John B. Contrum, Esquire
(Type or Print Name)
1414 Front Ave., Lutherville, MD 21093
Baltimore, MD 21227

Legal Owner(s)
Thomas Bautz
(Type or Print Name)
1414 Front Ave., Lutherville, MD 21093
Baltimore, MD 21227

ORDER RECEIVED FOR FILING
Date 11/4/95
By [Signature]
DROP-OFF
NO REVIEW
11/4/95
WCR

Attachment to Petition for Variance for 1414 Front Avenue.

The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for Variance from Section(s)

1801.1B.e.(2)(3)(5) to permit parking and buildings within 75' of a tract boundary within a RTA and to allow clearing, grading and construction within 50' RTA;

and,
from guidelines contained in Section 432.5B.1.b.(2) to permit parking in the front of proposed buildings in lieu of side and rear and in Section 432.5B.3.b. for frontage on other than principal arterial or location in an historic district;

and,
Section 1801.2C.1.a for front yard set back of 37' in lieu of the required 50' for a non-residential principal building.

Attachment to Petition for Variance for 1414 Front Avenue.

STATEMENT OF REASONS
The subject property is uniquely configured in a D.R. 3.5 between the light rail line and Front Avenue. Its trapezoid shape, the existence of old trees buffering Front Avenue and topography all give rise to the variances sought.

The variances sought from the R.T.A. requirements are the result of trying to place the buildings away from the light rail line. Proximity to light rail is a real deterrent to residential living. At the same time the layout of the site is such that parking in the front of the buildings actually leads to a much less intrusive layout of the structures in relation to the houses across Front Avenue than rear parking.
Discussions with the Lutherville Community Association has led to the effort to preserve the landscaping along Front Avenue, which dictates the entrance way and hence the parking configuration. The buildings become more centered upon the lots and less bulky in appearance. As the elevations indicate, they will be very residential in character.

Waiver is requested also of the assisted living guidelines contained in Section 432.5B to have the parking located in the front and to have access onto Front Avenue. These guidelines are offered with respect to meeting compatibility requirements, and in this case given the location of the property the subject use is more compatible as planned than if the requirements were strictly followed. Front Street is not a principal arterial, but the light rail line has been considered as such in other cases. Having the property front on the light rail line, however, yields no benefits to anyone. The residents would be seeing a rail track as their primary view, and the rear of the buildings would be facing Front Street. The property is literally located just outside the boundaries of the Lutherville Historic District and less than 100 yards from Seminary Avenue, which also is a principal arterial roadway.

Parking again is better placed in the front of the buildings to soften the impact on the residential community, and discussions with both the community and with the Office of Planning and Zoning have led to the proposed configuration.

Strict adherence to the RTA and to the guidelines would in this case produce a result in direct contradiction to the purposes espoused by the guidelines and transition area, and would result in practical difficulty on both the developer and on the community, a result less compatible than the plan proposed.

The variance sought from Section 1801.2C.1.a for a front yard setback of 37' in lieu of the required 50' for a non-residential principal building is done under the advice of zoning personnel although the use clearly is residential in character, and a variance would not be necessary either as a group house or as a multi-family dwelling. In addition, the building configuration was adopted as a means of harmonizing the fronts of the buildings and of providing a uniform appearance. As a point of fact the building face that lies within the 50' area could be slid backward outside the 50' area with no variance being necessary. The placement of

Attachment to Petition for Variance for 1414 Front Avenue.

the buildings upon the lots was done to achieve a sense of balance, a minimization of obtrusiveness upon the neighborhood and an optimal utilization of the lot given its configuration. To reconfigure the building would not give the same balanced presentation as proposed.

195
FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
Description to Accompany Special Exception and Variance Plat September 25, 1995
Bautz Property Page -1-

Beginning at a point on the westerly right-of-way of Front Avenue, said point -- being South 33 degrees 02 minutes 29 seconds West 283.80 feet more or less, from a point formed by the intersection of the centerlines of Seminary Avenue and Front Avenue, running thence leaving said point of beginning, along the westerly right-of-way of Front Avenue, along the following 4 courses.

1. South 26 degrees 17 minutes 29 seconds West 379.76 feet.
2. South 67 degrees 46 minutes 06 seconds West 360.01 feet,
3. North 48 degrees 41 minutes 51 seconds East 450.00 feet,
4. South 63 degrees 26 minutes 04 seconds East 191.65 feet, to the point of beginning.

Containing 2.370 acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

[Signature]

FROM THE OFFICE OF
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.
ENGINEERS
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204
Description to Accompany Special Exception and Variance Plat November 30, 1995
Bautz Property Page -1-

Beginning at a point on the westerly right-of-way of Front Avenue, said point being South 33 degrees 02 minutes 29 seconds West 283.80 feet more or less, from a point formed by the intersection of the centerlines of Seminary Avenue and Front Avenue, running thence leaving said point of beginning, along the westerly right-of-way of Front Avenue, along the following 4 courses.

1. South 26 degrees 17 minutes 29 seconds West 379.76 feet.
2. South 67 degrees 46 minutes 06 seconds West 360.01 feet,
3. North 48 degrees 41 minutes 51 seconds East 439.32 feet,
4. South 63 degrees 26 minutes 04 seconds East 191.65 feet, to the point of beginning.

Containing 2.370 acres of land more or less.

Note: The above description is for zoning purposes only and is not to be used for contracts, conveyances or agreements.

[Signature]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8A
Posted for: Special Exception - Variance
Petitioner: Thomas Bautz
Location of property: 1414 Front Ave.
Location of Signs: [Signature] and [Signature] on property being zoned
Remarks: [Signature]
Posted by: [Signature]
Number of Signs: 4
Date of return: 12/1/95

CERTIFICATE OF PUBLICATION
TOWSON, MD., Nov. 30, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 23, 1995.

THE JEFFERSONIAN,
A. H. Henikson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, to advise of the hearing on the Special Exception and Variance from the Zoning Regulations of Baltimore County, will hold a public hearing on the proposed Special Exception and Variance from the Zoning Regulations of Baltimore County, to use the herein described property for Assisted Living facilities, Class B of four or more, on Wednesday, December 13, 1995, at 8:00 A.M. at the County Office Building, 111 W. Chesapeake Avenue, 11th Floor, Towson, Maryland 21204. The hearing will be held in the County Office Building, 111 W. Chesapeake Avenue, 11th Floor, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 54328
DROP-OFF - NO REVIEW
ITEM #195

DATE 11/4/95 ACCOUNT 001-6150
96-196-X
AMOUNT \$620.00 (WCR)

RECEIVED FROM: Ivy Lane Development Corporation
#050 - SPX #020 - CV
#080 - SIGN (2)
FOR: 1414 Front Avenue

02/11/96/11/95
02/11/96/11/95
VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION: WCR-CASHIER PRC-AGENCY YELLOW-CUSTOMER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 013404
ITEM #195

DATE 12/4/95 ACCOUNT 001-6150
AMOUNT \$100.00 (JLI)

RECEIVED FROM: Rebecca & Robert Isenrock, Jr.
#110 - REVISIONS
FOR: Bantz Property - 1414 Front Avenue
03491#0235MICHRC \$100.00
B4 000219P#12-04-95

VALIDATION OR SIGNATURE OF CASHIER
DISTRIBUTION: WCR-CASHIER PRC-AGENCY YELLOW-CUSTOMER

TO: PUPPENT PUBLISHING COMPANY
November 22/23, 1995 Issue - Jeffersonian

Please forward billing to:

John B. Gontum, Esq.
314 Eastern Boulevard
Essex, Maryland 21221
686-8274

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-196-X (Item 195)
1414 Front Avenue
NW/S Front Avenue, 284' SW of c/l Seminary Avenue and
SE/S Northern Central Railroad right-of-way
8th Election District - 4th Councilmanic
Legal Owner: Thomas Bantz
Contract Purchaser: Ivy Lane Development Corporation

Special Exception for assisted living facilities, Class B, of four or more.
Variance to permit parking and buildings within 75 feet of a tract boundary within a RTA and to allow clearing, grading and construction within 50 feet RTA; to permit parking in the front of proposed buildings in lieu of side and rear setbacks on other than principal arterial or location in an historic district; and for front yard setback of 37 feet in lieu of the required 50 feet for a non-residential principal building.

HEARING: WEDNESDAY, DECEMBER 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-196-X (Item 195)
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HEARING: WEDNESDAY, DECEMBER 13, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Thomas Bantz
Ivy Lane Development Corporation
John B. Gontum, Esq.

NOTES: (1) ZONING SIGN AND POST MUST BE RETURNED TO PM, 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

December 5, 1995

John B. Gontum, Esquire
Romada, Gontum & McLaughlin, P.A.
314 Eastern Blvd.
Essex, Maryland 21221

RE: Item No.: 195
Case No.: 96-196-X
Petitioner: Thomas Bantz

Dear Mr. Gontum:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on November 4, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 22, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 20, 1995
Item No. 195

The Development Plans Review Division has reviewed the subject zoning item. Front Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 65-foot right-of-way per Thomas Hamer, Deputy Director of Public Works.

The proposed entrance will be constructed per Dept. of Public Works Road and Street Detail Standard Plate R-32, Single Commercial Entrance.

The Special Exception Hearing requires that a schematic landscape plan be submitted for review prior to the hearing.

RWB:sw

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Nov. 29, 1995
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for November 27, 1995
Item No. 195

The Development Plans Review Division has reviewed the subject zoning item. A schematic landscape plan must be submitted as a condition of the Special Exception and Variance request.

RWB:sw

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 11/20/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: THOMAS BAUTZ

LOCATION: NW/S FRONT AVE., 284' SW OF CENTERLINE SEMINARY AVE. ALSO
SE/S NORTHERN CENTRAL RAILROAD (NCRR) RIGHT-OF-WAY.
(1414 FRONT AVE - BAUTZ PROPERTY)
Zoning Agenda: SPECIAL EXCEPTION / VARIANCE

Item No. 195

Gentlemen:

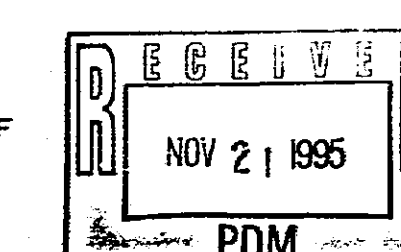
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1991 edition prior to occupancy.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4681, MS-1102F

cc: File



Printed on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 195 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2268 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 16, 1995

John B. Gontrum, Esquire
Romadka, Gontrum, and McLaughlin
814 Eastern Boulevard
Essex, MD 21221

RE: Preliminary Petition Review
Item #195
Legal Owner: Thomas Bautz
Contract Purchaser: Ivy Lane
Development Corporation
1414 Front Avenue
8th Election District

Dear Mr. Gontrum:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Be aware that any amendment to an approved development plan will require a new development approval hearing, a Development Review Committee (DRC) action granting a refinement or other appropriate action by the DRC. This is in reference to the development plan number listed in the special exception petition; i.e., VIII-615.

John B. Gontrum, Esquire
November 16, 1995
Page 2

2. Multiple site plan requirements for zoning filing review are missing from the site plan. These include, but not necessarily limited to, the front building orientations, all building setbacks, dimensions of proposed lot lines, maximum building heights both in and out of RTA (35 feet in 50 feet out). Provide engineer scaled dimensioned elevation drawings to confirm compliance on the plan. Variance non-compliance.
3. The RTA information is incomplete. An accurate RTA review requires the following information: Include on the plan and clearly label all off-site sources of RTA on-site, including all dwellings and small lots of record less than 2 acres. All off-site buildings within 150 feet of a proposed unlike use tract must be labeled with the existing use. Dwellings must be labeled "existing dwelling" and all vacant lots must include the acreage. All lot and deed divisional lines that adjoin or are across street from the subject property must be shown clearly. The most restrictive residential transition areas must be labeled with the required and applicable 150 foot RTA dimension and included on the plan print. The 100 foot RTA area must also be labeled and shown. Clearly and conspicuously note on the plan: "All off-site dwellings and small lots of record (less than 2 acres) that create a RTA on-site are shown with the required 150 foot distance dimensions and 100 foot RTA". Clearly label all unlike building fronts, label and dimension 75 foot RTA setbacks, 50 foot RTA buffers. Provide and designate on the plan print the required and applicable RTA buffers with a conspicuous bold line around the boundary and remove all other uses, except those drives as permitted under the CMDP. Remove any proposed private yard space from the required RTA planted buffers. Note on buildings or other uses to be removed from the RTA buffer area that the area will be replanted in accordance with the landscape manual.
4. Note on the plan if this site is, or is not, in the N.R.H.D. If so, the use is not permitted.
5. Drop the 4x bed density references on the plan. Section 432.5 (BCZR) does not use a bed/density count.
6. All variance requests must reference what is proposed as meeting the zoning requirements in lieu of the specific requirements. This is lacking on the petition request and is unclear on the plan. For example, what RTA buffers, setbacks, and dimensions (as well as location of these items) on the plan are proposed to comply, to what extent possible, with BCZR requirements.

John B. Gontrum, Esquire
November 16, 1995
Page 3

7. Is this a non-principal arterial location, as well as historic district? The petition wording does not make this clear.
8. The description and plan disagree in the P.O.B. to street centerline bearing; the first metes and bounds dimension is missing from the plan.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John L. Lewis
John L. Lewis
Planner II
Zoning Review

JLL:scj

Enclosure (receipt)

c: Zoning Commissioner

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits & Development Management

DATE: December 11, 1995

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Thomas Bautz Property - Item #195

INFORMATION:

Item Numbers: 195

Petitioner: Thomas Bautz

Property Size: 2.37 acre

Zoning: DR 3.5 - 2.293 acre, 0.1 - .037 acre.

BL - .040 acre

Requested Action: Special Exception for Assisted Living

Facility, Class B and Variances

Hearing Date: 12/13/95

The Petitioner has requested a Special Exception for a thirty bed Class B Assisted Living Facility that is subject to a compatibility finding pursuant to Section 26-282 of the Baltimore County Development Regulations and Section 432.5.B.1.d of the Baltimore County Zoning Regulations. (See attached Compatibility Analysis.) Variances are also requested from the following: 1. Section 1801.1.B.e(2) (3) (5) for parking and buildings within 75 feet of a tract boundary within a 50 foot r.t.a. 2. Section 432.5.B.1.b(2) to permit parking in the front of the building in lieu of the side and rear yard and from Section 432.5.B.3.b. for frontage on a road other than a principal arterial 3. Section 1801.2.C.1.a for a front yard setback of 37' in lieu of 50'.

Since the subject property, known as the Bautz property, is located within the Lutherville National Register Historic District and in proximity to the Lutherville Baltimore County Historic District, the Baltimore County Landmarks Commission may provide a supplemental comment.

ZAC195.DI/PZONE/ZAC1

Pg. 1

Arnold Jablon, Director, PDM
December 8, 1995

SUBJECT: Thomas Bautz Property - Item #195

Zoning History

The Bautz property was previously the subject of a hearing officer's hearing, Case No. VIII - 615 in which a single family lot subdivision of eight lots was approved by Zoning Commissioner Lawrence E. Schmidt, amended order of March 25, 1993. After appeal to the County Board of Appeals, a consent order was issued on June 29, 1993 upholding the Zoning Commissioner's ruling. More recently, on September 26, 1995, the Development Review Committee granted a limited exemption pursuant to Section 26-171(b)(9) of the Baltimore County Development Regulations for two 22,000 square foot buildings for a Class B assisted living facility. Development plan approval has not yet occurred for this site.

Special Exception and Variances - Recommendations:

It is the opinion of this office that the proposed Class B Assisted Living facility has been designed in a manner that is highly compatible with the surrounding land uses. The site is unique in nature, containing 2.37 acres, bounded by the Central Transit Light Rail on the west, mature evergreen trees on Front Avenue on the east, the Gwington Center office complex on the south, and residential uses to the north. The variances as requested should be granted, the parking in the front is well screened from view of the residences on the east side of Front Avenue by mature evergreen trees 40 feet in height and a proposed hedge. Due to the irregular nature of the property and the necessity to provide a greenway easement for a future hike and bike trail, it is impractical to provide the 50 foot front yard setback and to locate parking and buildings 75 feet from the tract boundary within the r.t.a.

This office recommends approval of the Special Exception and Variances subject to the following conditions: (See Compatibility Analysis for further detail.)

1. The development plan should incorporate details showing the proposed sign, entry treatment and a lighting scheme and detail. An internal pathway system should be shown which complements the seating area in the open space between the buildings and provides access to Front Avenue. The sign should incorporate architectural elements such as stone or brick columns and pedestals that accent the entry way.
2. The type and proposed colors of building materials should be noted on the Development Plan. Preferred colors are the light tones such as cameo, champagne, almond, or sage in the narrow width for the vinyl siding.
3. The Development Plan shall be subject to approval by the Director of Planning. Before granting approval, the Director of Planning shall consult with the Landmarks Preservation Commission.

PROJECT NAME: Bautz Property

PROJECT NUMBER: DRC #98265A

COMPATIBILITY ANALYSIS

Section 26-282 (2) of The Baltimore County Development Regulations requires the Director Of Planning to make compatibility recommendations to the Hearing Officer for development of a Class B Assisted Living Facility. The Office of Planning has reviewed the Site Plan, Landscape Plan and the Bautz Property architectural elevations, site sections and photographs and offers the following Compatibility analysis.

The 8 compatibility objectives of the Comprehensive Manual of Development Policy (CMDP) and Section 26-282(b) of the Baltimore County Code are listed below. The application to this plan follows the objective.

1. The arrangement and orientation of the proposed buildings and site improvements are patterned in a similar manner to those in the neighborhood.
The buildings are clustered behind the existing Norway Spruce trees and are front oriented to Front Avenue. The front building setback is staggered, approximating the average front setback of the dwellings on the east side of Front Avenue.
2. The building and parking lot layouts reinforce existing building and streetscape patterns and assure that the placement of buildings and parking lots have no adverse impact on the neighborhood.
The improvements are patterned in a similar manner to those in the neighborhood.
The parking lot consists of a single loaded parking bay, oriented in proximity to the front of the building and intensively screened.
3. The proposed streets are connected with the existing neighborhood road network wherever possible and the proposed sidewalks are located to support the functional patterns of the neighborhood.
A traditional sidewalk parallel to Front Avenue is not possible due to the existing Norway Spruce trees, which are a significant site feature which must be preserved. A Waiver of Sidewalks on Front Avenue was previously approved and is still reasonable. However, an internal path should be extended to the southeast corner of the property with a gate to Front Avenue.
4. The open spaces of the proposed development reinforce the open space patterns of the neighborhood in form and siting and complement existing open space systems.
The site has an internal open space system which incorporates benches. It can be further enhanced by adding a gazebo and an interior pathway system.
In accordance with the Baltimore County Master Plan 1989-2000, a 13' wide greenway easement has been shown to the rear of the property. The greenway will be established as a hike and bike trail when connected to an overall system.

ZAC195.DI/PZONE/ZAC1

Pg. 3

PROJECT NAME: Bautz Property

PROJECT NUMBER: DRC #98265A

5. Locally significant features of the site such as distinctive buildings or vistas are integrated into the site design.

The existing 40' Norway Spruce trees are being preserved and enhanced by the addition of a low hedge. The major deciduous trees that provide a buffer along the central transit light rail edge are also being preserved.

6. The proposed landscape design complements the neighborhood's landscape patterns and reinforces its functional qualities.

As previously stated, the existing Norway Spruce are a dominant site feature and provide an attractive edge for the site. The proposed landscaping at the entrance to the site accents the entryway.

7. The exterior signs, site lighting and accessory structures support a uniform architectural theme and present a harmonious visual relationship with the surrounding neighborhood.

It is preferred that the sign be designed to incorporate architectural elements such as stone or brick columns that accent the entrance way. A traditional element such as pedestals should be incorporated with the sign. Together with the proposed hedge, they will provide a motif that relates the project to the historic district.

8. The scale, proportions, massing and detailing of the proposed buildings are in proportion to those existing in the neighborhood.

The scale and massing is effectively reduced through the articulation of the building into what reads as three separate sections. The window treatments and dormers add a residential character.

A lighting scheme and detail as well as a final sign detail should be provided for review and approval by the Office of Planning on the Development Plan. Before granting approval, the Director of Planning shall consult with the Landmarks Preservation Commission.

The type of building materials proposed should be reviewed by this Office; a note should be added to the Development Plan stating the specific materials proposed. The vinyl siding is preferred to be light in color and tone. The Dove Gray fiber-glass architectural shingles for the roof are acceptable.

The Office of Planning recommends to the Hearing Officer that this Development meets the Compatibility Objectives of the CMDP and Baltimore County Development Regulations subject to the Development Plan recommendations.

Prepared by: *Pat Keller*

Division Chief: *Carl Keller*

AFK:bjs

ZAC195.DI/PZONE/ZAC1

Pg. 4

THIS DROP-OFF PETITION IS BEING RETURNED AS TWO QUESTIONS MUST BE ANSWERED BEFORE ANY PETITION CAN BE DROPPED-OFF. THE QUESTIONS THAT NEED TO BE ANSWERED ARE: (1) ARE THERE ANY VIOLATIONS ON THIS PROPERTY AND (2) HAS ANYONE IN THIS OFFICE REVIEWED THIS BEFORE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS POLICY, CONTACT CARL RICHARDS IN THE ZONING OFFICE AT 887-3391.

11/7
1) - no violations - agreed and answered
- answered
2) John Lewis signed it
John Jablon

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
1414 Front Avenue, NW/S Front Avenue,
284' SW of c/l Seminary Avenue and SE/S
Northern Central Railroad right-of-way
8th Election District, 4th Councilmanic
Thomas Bautz
Petitioner

RE: THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 96-196-XA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1995, a copy of the foregoing Entry of Appearance was mailed to John B. Contrum, Esquire, Romadka, Contrum & McLaughlin, 814 Eastern Boulevard, Baltimore, MD 21221, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

TOWSON
655 KENNEDY DRIVE
SUITE 100
TOWSON, MARYLAND 21204
410-574-1121
FAX 410-574-1122

GWS
GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CONSULTING ENGINEERS

BEL AIR
2131 EAST BROADWAY
SUITE 200
BALTIMORE, MARYLAND 21204
410-761-1000
FAX 410-761-0425

TO: PDM DATE: Thursday, November 30, 1995
REFERENCE: BAUTZ PROPERTY

ATTENTION: JOHN LEWIS

We are:
☒ Submitting ☐ Herewith ☐ Under Separate Cover
☐ Forwarding
☐ Returning

COPIES DESCRIPTION

3 DESCRIPTION OF THE SITE
14 SITE PLANS
1 \$100 CHECK

☐ In accordance with your request
☒ For your review
☐ For processing
☐ Plans reviewed and accepted
☐ Plans reviewed and accepted as noted
☐ For your use
☐ Please return when ready
☐ Please return to this office
☐ Approval requested
☐ Meeting requested

Remarks:

For further information, please contact the writer at this office.

cc:

Sincerely yours,

Dean Hoover
DEAN HOOVER

REVISED PLANS
DESCRIPTIONS
OK FOR ZONING ACCEPTANCE
JLL.
ITEM # 195 - 96-196-X

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

Rob Hoffman

ADDRESS

210 Allegheny Ave 21204

PLEASE PRINT CLEARLY

NAME

ADDRESS

Erie Rostel

1610 Rosewood DR. Lutherville 21093

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Leah E. Wolf

1414 Front Avenue NW

Baltimore MD 21204

11 S. L. C. C. C.

Rick Chubbey

ADDRESS

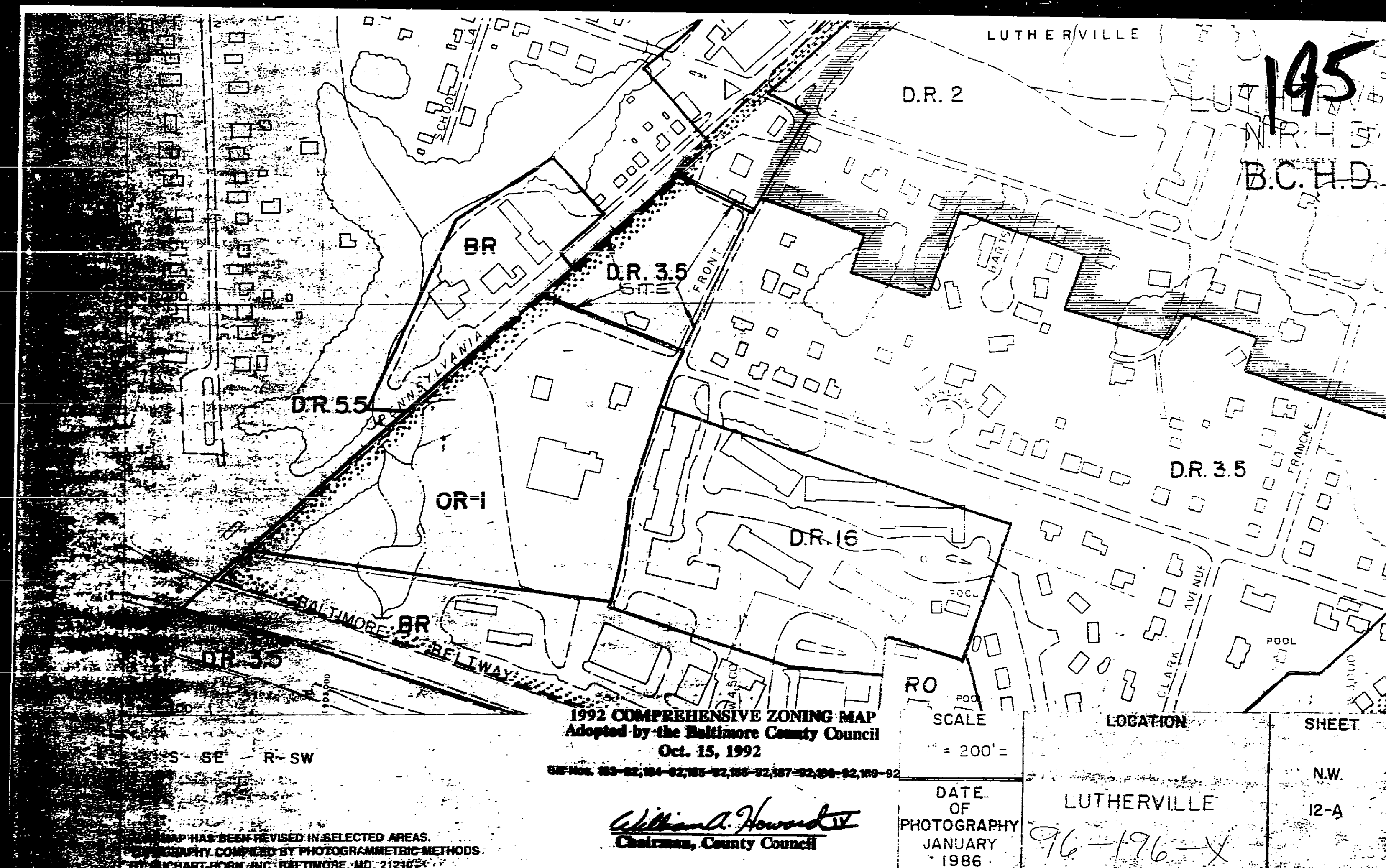
287 Bessie Avenue

Baltimore MD 21204

11 S. L. C. C. C.

658 KENILWORTH DR. 21204

Printed with Soybean Ink
on Recycled Paper



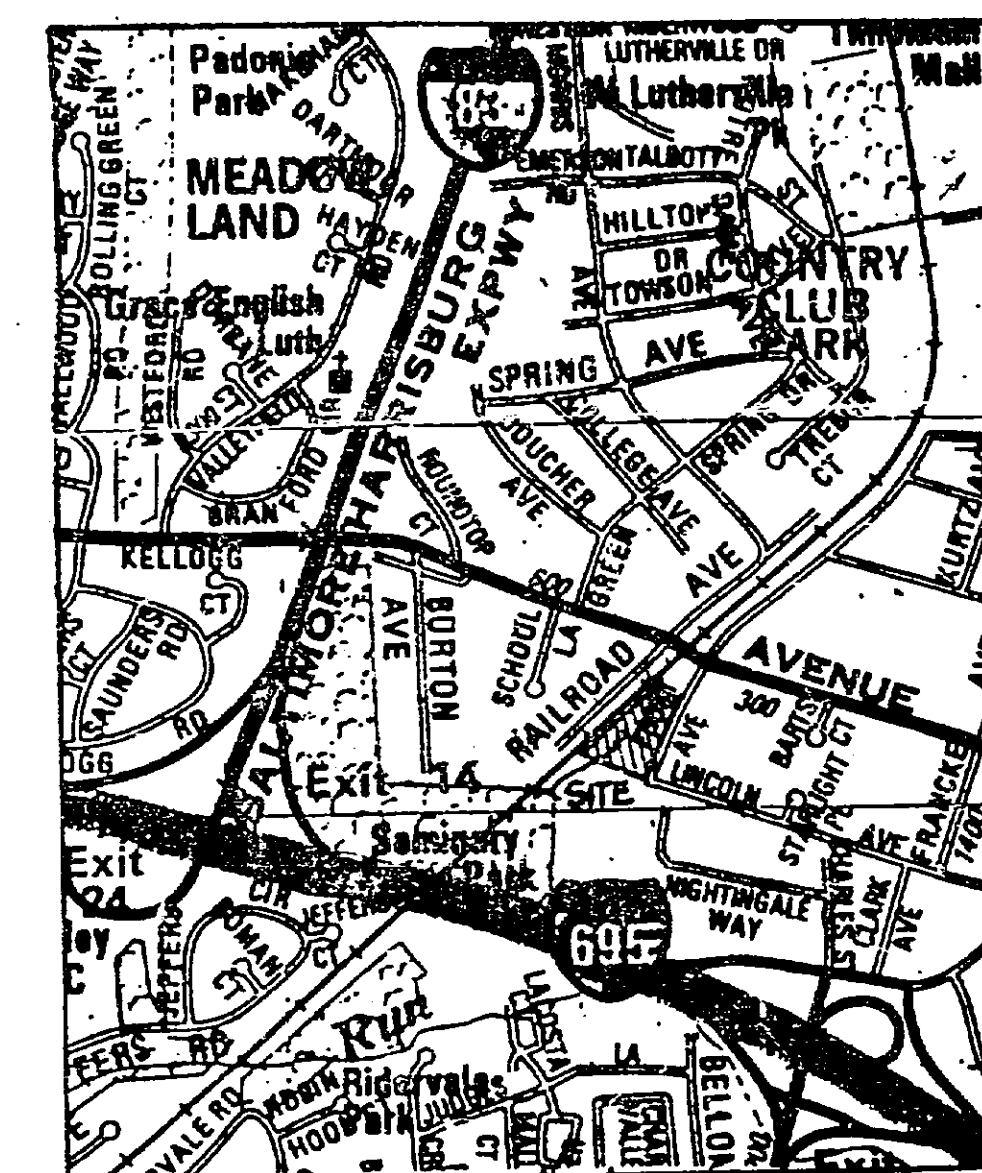
LEGEND

PROPERTY LINE
LOT LINE
R/W LINE
EX. GROUND
LOT #
EX. STORM DRAINS
EX. SEWER
EX. EASEMENTS
ZONING LINES
SOIL LINES
EX. WOODED AREA
EXIST. SCREEN
HOUSE #

SOIL TYPES & LIMITATIONS

SOIL TYPE BLDG.-W/BSMT. BLDG.-W/O BSMT
CaB2 MODERATE/SEASONAL WATER TABLE SLIGHT
SnB SLIGHT SLIGHT

PARKING CLASS
MODERATE/SEASONAL WATER TABLE, SLOPE 8
MODERATE/ SLOPE 8



VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

- DEED REFERENCE: 7058/022, 7058/253, R/W 85-377
- TAX ACCOUNT # 08-02-001502, 08-02-001503
- ELECTION DISTRICT # 8
- COUNCILMANIC DISTRICT # 4 CENSUS TRACT # 4902
- WATERSHED # 10 SUBSEWERED # 29
- SITE IS NOT SERVED BY AN MTA TRANSIT ROUTE.

ENVIRONMENTAL

- THERE ARE NO WETLANDS, STREAMS, 100 YR. FLOODPLAINS OR SLOPES GREATER THAN 25% EXISTING ON SITE.
- THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS / SITES KNOWN TO EXIST WITHIN THE PROPERTY LIMITS SHOWN ON THE PLAN.
- THERE ARE NO WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS KNOWN TO EXIST ON THIS SITE.
- EXISTING BUILDINGS TO BE REMOVED SHALL BE SURVEYED FOR ASBESTOS PRIOR TO REMOVAL.

ZONING

- SITE AREA: 2.37 AC. +/-
- EXISTING ZONING OF SUBJECT PROPERTY:
DR. 3.5 - 2.293 AC. +/-, O-1 - 0.037 AC. +/-, BL 0.040 AC. +/-
- EXISTING USE: SINGLE FAMILY RESIDENTIAL LOT
- PROPOSED USE: RESIDENTIAL SUBDIVISION (SINGLE FAMILY DETACHED). (6 LOTS)
- DENSITY ALLOWED:
DR. 3.5 - 2.513 X 3.5 = 8.795 DWELLING UNITS
(+ 0.22 AC. +/- FRONT AVE. R/W)
O-1 - 0.037 X 5.5 = 0.203 DWELLING UNITS
BL - 0.040 X 3.5 = 0.140 DWELLING UNITS
TOTAL = 9.138 DWELLING UNITS
REQUIRED: 8 X 650 = 5200 S.F. OR 0.12 AC. +/-
PROPOSED: A WAIVER OF LOCAL OPEN SPACE HAS BEEN APPROVED - 1/20/93
- AVERAGE DAILY TRIPS (ADTS): 10.0/LOT X 6 = 60
- ALL LOTS SHOWN ON THIS PLAN ARE FOR SALE
- A WAIVER OF SIDEWALKS, R/W WIDENING AND PAVEMENT WIDENING IS BEING REQUESTED.

PARKING

- EACH HOUSE TO HAVE TWO (2) OFF-STREET PARKING SPACES, 5 UNITS X 2 SPACES = 16 PARKING SPACES.

LANDSCAPING

- THIS SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
REQUIRED:
- ADJACENT ROAD - 350 L.F. @ 1:40 = 8.75 = 9 P.U.
- INTERIOR ROAD - 310 L.F. @ 1:20 = 15.50 = 18 P.U.
- SCREENING OF SIDE & REAR YARDS FROM R/W - 193 L.F. @ 1:15 = 12.87 = 13 P.U.
- SCREENING OF S.W.M. FACILITY FROM ADJACENT LOTS - 90 L.F. @ 1:15 = 6 P.U.
TOTAL PLANTING UNITS = 46

PLANTING PROVIDED:

- MAJOR DECIDUOUS - 16 L.F. @ 1:1 = 16
- EVERGREEN - EXISTING 40 @ 2:1 = 20
- NEW - 20 @ 2:1 = 10
- TOTAL PROVIDED = 46

- A REVISION OF OPZ COMMENTS TO DEFER SUBMISSION OF BUILDING IS BEING REQUESTED.

Minimum setback requirements:

From a front building face to a public street right-of-way or property line -- 25 feet

Between side building faces -- 16 feet for buildings up to 20 feet in height, and 20 feet for buildings with heights greater than 20 feet

From a rear building face to a rear property line or public street right-of-way -- 30 feet

From a side building face to a public street right-of-way and/or tract boundary -- 15 feet

From side or front building face to the edge of paving of a private road -- 25 feet

Setbacks for buildings located adjacent to arterial roadways shall be increased by 20 feet.

STORM WATER MANAGEMENT DATA

EXISTING AREA = 2.37 ACRES, RCN = 82, Tc = 0.25 HOURS
2 YEAR Q = 0.92 CFS
10 YEAR Q = 3.70 CFS
100 YEAR Q = 7.46 CFS

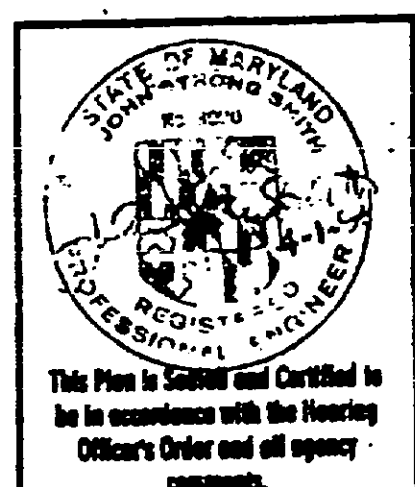
PROPOSED AREA = 2.37 ACRES, RCN = 71, Tc = 0.14 HOURS
2 YEAR Q = 2.72 CFS
10 YEAR Q = 7.12 CFS
100 YEAR Q = 12.64 CFS

2, 10 AND 100 YEAR MANAGEMENT REQUIRED

2 YEAR STORAGE REQUIREMENT = 2650 C.F.
10 YEAR STORAGE REQUIREMENT = 5087 C.F.
100 YEAR STORAGE REQUIREMENT = 8173 C.F.

WATER QUALITY STORAGE (1/2" IMPERVIOUS RUNOFF) = 1035 C.F.

TOTAL STORAGE REQUIREMENT = 9208 C.F.
TOTAL STORAGE PROVIDED = 9210 C.F.



This Plan is Sealed and Certified to be in accordance with the Hearing Officer's Order and all agency comments.

NO.	REVISION	DATE
1	FRONT AVE R/W PAVEMENT WIDENING SHOWN	1/29/93
2	BALTIMORE COUNTY GRID MARKS ADDED	1/29/93
3	NOTES 23-24 REPEATED	1/29/93
4	NOTE # 16 UPDATED	1/29/93
5	LIMIT OF DISTURBANCE / FRONT AVE TREES SHOWN	1/29/93
6	TRAFFIC SIGHTLINE SHOWN	1/29/93
7	DELIVERY TURN-AROUND AREA ADDED ON LOT 7	1/29/93
8	2ND RAILROAD TRACK SHOWN	1/29/93
9	GREENWAY BASEMENT ADDED	1/29/93
10	LOT # 9 DELETED	3/12/93
11	LOT # 11.1.8 REVISED	3/12/93
12	BRACING 1 DISTANCE REVISED	3/12/93
13	NOTE # 26 ADDED	3/12/93
14	NOTES # 14, 16, 17 REVISED	3/12/93
15	EX. 10' EASEMENT TO BE ABANDONED	3/12/93
16	LOT # 7 HOUSE ORIENTATION REVISED	3/23/93
17	NOTE # 27 ADDED (STD. SIGHTLINE NOTE)	3/23/93
18	SHEET 2 OF 2 ADDED - AMENDED OPINION & ORDER	4/2/93

- TO FACILITATE SITE DISTANCES AND THE POINTS OF ACCESS TO THE SITE, THE EXISTING EVERGREEN TREES ALONG FRONT AVE WILL BE TRIMMED TO A MAXIMUM HEIGHT OF 5' WHERE APPROPRIATE. WHERE EXISTING TREES WILL BE TRIMMED, SUPPLEMENTAL PLANTINGS WILL BE IMPLEMENTED BEHIND THE SIGHTLINE TO RESTORE A VISUAL LANDSCAPE BUFFER BETWEEN ANY SIDE OR REAR YARD AFFECTED AND THE ROAD R/W.

- ALL BUILDING SETBACKS ARE IN COMPLIANCE WITH B.C.Z.R. AND C.M.D.P. NO VARIANCE! ARE ANTICIPATED.

- THE GREENWAY IS TO BE ESTABLISHED AS A "BIKE & HIKES TRAIL" WHEN CONNECTED TO AN OVERALL SYSTEM.

- WINDOWS WILL BE PROVIDED ON THE SIDE BLOCK FACES OF UNITS ADJACENT TO FRONT AVE.

- AREAS BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEAR, GRADED, AND KEPT FREE OF ANY OBSTRUCTIONS.

DEVELOPMENT PLAN

SCALE: 1" = 50'
DATE: DECEMBER 16, 1992

OWNER / DEVELOPER

THOMAS BAUTZ
144 FRONT AVENUE
LUTHERVILLE, MD.
PH. 337-8008

BAUTZ PROPERTY

1414 FRONT AVENUE
LUTHERVILLE, MARYLAND
DPN # 922708
DISTRICT DC4

Exhibit #1

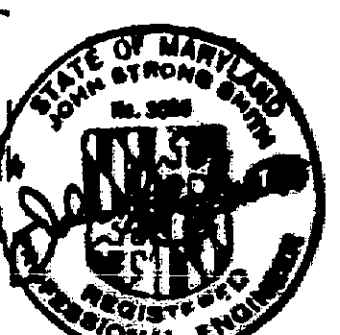
SHEET 1 OF 2



GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

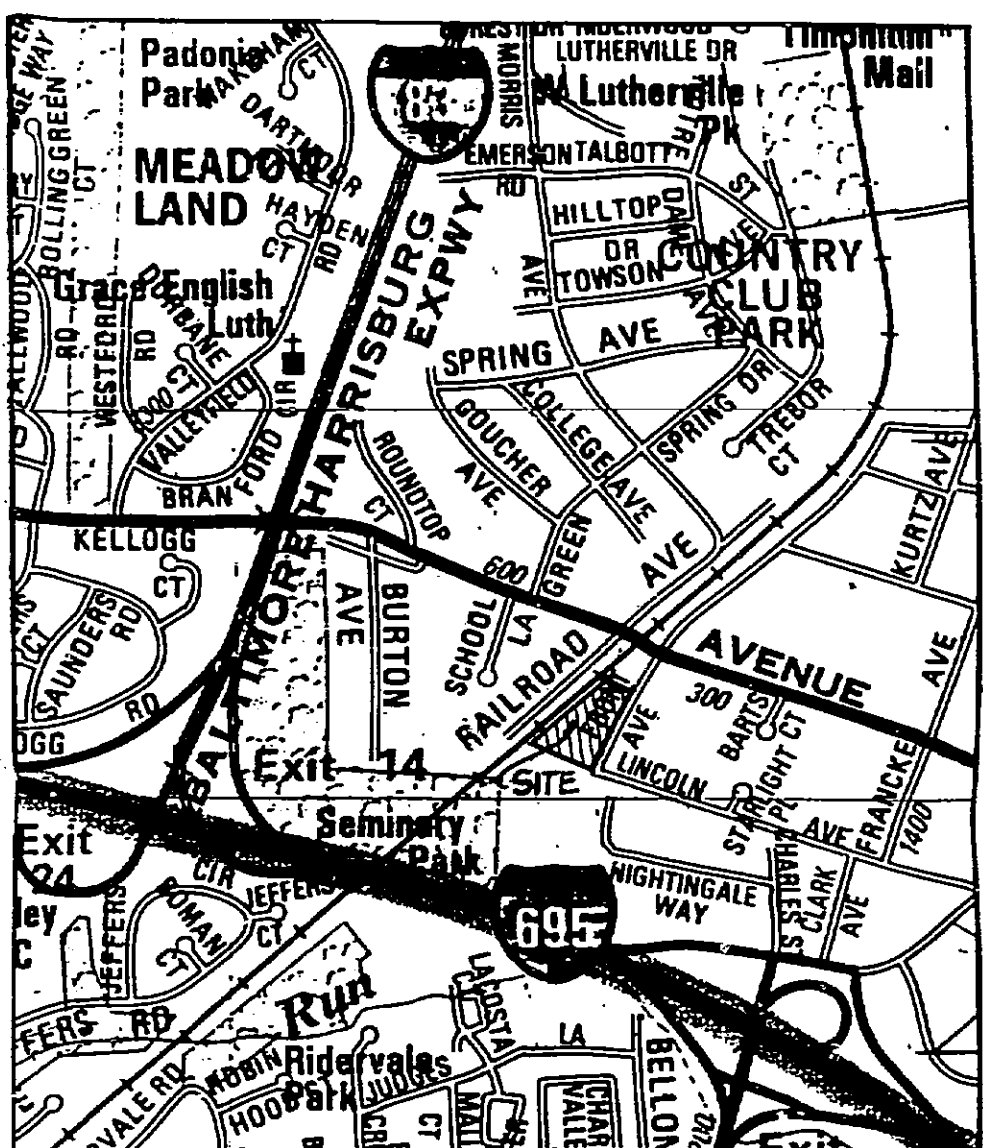
655 KENNEDY DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 251-1111



LEGEND

PROPERTY LINE
LOT LINE
R/W LINE
EX. STORM DRAINS
EX. SEWER
EX. EASEMENTS
ZONING LINES
SOIL LINES
EX. WOODED AREA
EXIST. SCREEN
HOUSE #

SOIL TYPES & LIMITATIONS			
SOIL TYPE	BLDG.-W/BSMT.	BLDG.-W/O BSMT	PARKING CLASS
CaB2	MODERATE/SEASONAL	SLIGHT	MODERATE/SEASONAL
SnB	SLIGHT	SLIGHT	MODERATE/SEASONAL



GENERAL NOTES

- 1) DEED REFERENCE: 7055/022, 7058/253, R/W 85-377
- 2) TAX ACCOUNT # 08-02-001502, 08-02-001503
- 3) ELECTION DISTRICT # 8
- 4) COUNCILMANIC DISTRICT #4 CENSUS TRACT #4902
- 5) WATERSHED #10 SUBWATERSHED #23
- 6) SITE IS NOT SERVED BY AN MTA TRANSIT ROUTE.
- 7) ENVIRONMENTAL
THERE ARE NO WETLANDS, STREAMS, 100 YR. FLOODPLAINS OR SLOPES GREATER THAN 25% EXISTING ON SITE.
THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS / SITES KNOWN TO EXIST WITHIN THE PROPERTY LIMITS SHOWN ON THE PLAN.
THERE ARE NO WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS KNOWN TO EXIST ON THIS SITE.
EXISTING BUILDINGS TO BE REMOVED SHALL BE SURVEYED FOR ASBESTOS PRIOR TO REMOVAL.
- 8) ZONING
SITE AREA: 2.37 AC. +/-
EXISTING ZONING OF SUBJECT PROPERTY: DR. 3.5 - 2.293 AC +/-, O-1 - 0.037 AC +/-, BL 0.040 AC +/-
EXISTING USE: SINGLE FAMILY RESIDENTIAL LOT
PROPOSED USE: ASSISTED HOUSING CLASS "B"
DENSITY ALLOWED AS PER SECTION 432.5 (BCZR)
PROPOSED LOT 1 - 1.44 AC. +/- (GROSS) MAX. ALLOWED 15 - PROPOSED RESIDENTS 15
PROPOSED LOT 2 - 1.17 AC. +/- MAX. ALLOWED 15 - PROPOSED RESIDENTS 15
PARKING REQUIRED LOT 1 SP PER 3 RESIDENTS = 5 PROVIDED 14 P.S.
PARKING REQUIRED LOT 2 SP PER 3 RESIDENTS = 5 PROVIDED 9 P.S.
SEE LANDSCAPING PLAN
TO FACILITATE SITE DISTANCE AT THE POINTS OF ACCESS TO THE SITE, THE EXISTING EVERGREEN TREES ALONG THE FRONT AVE. WILL BE TRIMMED TO A MAXIMUM HEIGHT OF 5' WHERE APPROPRIATE. WHERE EXISTING TREES WILL BE TRIMMED, SUPPLEMENTAL PLANTS WILL BE IMPLEMENTED BEHIND THE SIGHTLINES TO RESTORE A VISUAL LANDSCAPE BUFFER.
THE GREENWAY IS TO BE ESTABLISHED AS A BIKE & HIKE TRAIL WHEN CONNECTED TO AN OVERALL SYSTEM.
AREA BETWEEN THE SIGHTLINES AND THE CURB LINES MUST BE CLEARED AND KEPT FREE OF ANY OBSTRUCTIONS.
EACH LOT SHALL PROVIDE 500 SQUARE FEET OF OPEN SPACE.
THIS SITE IS 100' WITHIN N.R.H.D.
MAX. BUILDING HEIGHT IS 35' FOR THE ENTIRE SITE.

RECEIVED
September 28, 1995
G. W. Stephens, Jr. and Assoc., Inc.
658 Kenilworth Drive, Suite 100
Towson, Maryland 21204
RE: Ivy Lane/Barney Property
1414 Front Avenue
DR# Number 07065A Dist BC4

On September 28, 1995, the Development Review Committee (DRC) considered your request for the above referenced project and determined it to be a limited exception under Section 26-171(b)(4) of the Baltimore County Development Regulations. As a result, your development is exempt from the requirements of a Community Impact Statement and a Hearing Officers' Hearing; however, compliance with all applicable zoning regulations and county design standards and requirements for public and private improvements is required.

Your plan will be examined for general compliance with minimum requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your revision, the check print, along with 25 copies of the plan, and certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

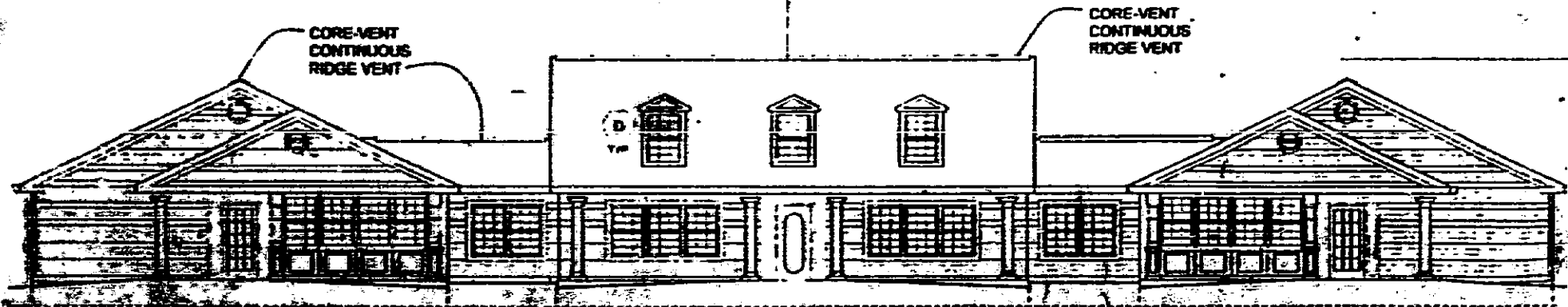
Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,
Dimitri R. Pappas
Dimitri R. Pappas
Development Manager

JTR/CAW
Larry Pappas

STORM WATER MANAGEMENT DATA

EXISTING AREA = 2.37 ACRES, RCN = 62, Tc = 0.25 HOURS
2 YEAR Q = 0.92 CFS
10 YEAR Q = 3.70 CFS
100 YEAR Q = 7.46 CFS
PROPOSED AREA = 2.37 ACRES, RCN = 71, Tc = 0.14 HOURS
2 YEAR Q = 2.72 CFS
10 YEAR Q = 7.12 CFS
100 YEAR Q = 12.64 CFS
2, 10 AND 100 YEAR MANAGEMENT REQUIRED
2 YEAR STORAGE REQUIREMENT = 2650 C.F.
10 YEAR STORAGE REQUIREMENT = 5087 C.F.
100 YEAR STORAGE REQUIREMENT = 8173 C.F.
WATER QUALITY STORAGE (1/2" IMPERVIOUS RUNOFF)
TOTAL STORAGE REQUIREMENT = 9208 C.F.
TOTAL STORAGE PROVIDED = 9210 C.F.



FRONT ELEVATION
Concept

DEVELOPMENT PLAN/SPECIAL EXCEPTION PLAN/VARIANCE PLAN
SPECIAL EXCEPTION PLAN UNDER B.C.D.R. SECTION 180.1(c)(2) TO ALLOW GROUP SERVICES ASSISTED HOUSING CLASS "B" IN A D.R. ZONE.
VARIANCE FROM AN UNDER B.C.D.R. SECTION 180.1(b)(4) AND (b)(5) TO ALLOW PARKING WITHIN THE 75' OF A TRACT BOUNDARY WITHIN A R.T.A. AND TO ALLOW THE CLEARING, GRADING AND CONSTRUCTION WITHIN 5' R.T.A. & 15' R.T.A. VARIANCE OF B.C.D.R. SECTION 180.1(c)(2) NONRESIDENTIAL PRINCIPAL BUILDING SETBACKS IN D.R. 3.5 ZONE REQUIRED FRONT YARD OF 5' TO PROPOSED 2' PARKING, IN REAR OF SIDE YARD.
VARIANCE OF SECTION 432.5(a) OF B.C.D.R. TO PARK IN FRONT YARD IN LIEU OF PARKING, IN REAR OF SIDE YARD.
VARIANCE OF SECTION 432.5(a) TO LOCATE GROUP SENIOR ASSISTED HOUSING ON A LOCAL COLLECTOR STREET IN LIEU OF MAJOR ARTERIAL OR WITHIN A HISTORICAL DISTRICT.

GEORGE WILLIAM STEPHENS, JR.
AND ASSOCIATES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
658 KENILWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120

OWNER / DEVELOPER
THOMAS BAUTZ
144 FRONT AVENUE
LUTHERVILLE, MD.
PH. 337-8008

SCALE: 1" = 50'
DATE:

BAUTZ PROPERTY
1414 FRONT AVENUE
LUTHERVILLE, MARYLAND
DR# #
DISTRICT BC4

Ref No 1

LEGEND

PROPERTY LINE
LOT LINE
R/W LINE
EX. GROUND
LOT #
EX. STORM DRAINS
EX. SEWER
EX. EASEMENTS
ZONING LINES
SOIL LINES
EX. WOODED AREA
EXIST. SCREEN
HOUSE #

Baltimore County Government
Department of Permits and
Development Management

1 West Chesapeake Ave.
Towson, Md. 21204

(410) 887-3321

September 28, 1995

W. Stephens, Jr. and Assoc., Inc.
8 Kearswood Drive, Suite 100
Towson, Maryland 21204

R.E. 1st/2nd/3rd Property
1414 Front Avenue
DRC Number 09265A Dm 8C4

Dear Sir:

On September 26, 1995, the Development Review Committee (DRC) considered your request on the above referenced project and determined it to be a limited exemption under Section 26-1710(a)(1) of the Baltimore County Development Regulations. As a result, your development is exempt from the requirements of a Community Impact Meeting, a Hearing Officers' Hearing, however, compliance with all applicable zoning regulations and other design standards and requirements for public and private improvements is required.

In order to further process your development plan, submit two check prints of the plan, prepared in accordance with Section 26-203 of the development regulations, and a copy of this letter to:

Department of Permits and Development Management
County Office Building, Room 123
111 West Chesapeake Avenue
Towson, Maryland 21204

Your plan will be examined for general compliance with substantial requirements. Comments on the check print will determine if any changes or additional information are necessary. At that time, the development plan review fee will be determined by the fee schedule. Following your review, the check print, along with 22 copies of the plan, and certified or cashier's check made payable to Baltimore County, Maryland must be submitted to this office.

Should you have additional questions regarding this matter, please do not hesitate to call me.

Sincerely,

Donald T. Reason
Donald T. Reason
Development Manager

STORM WATER MANAGEMENT DATA

EXISTING AREA = 2.37 ACRES, RCN = 62, Tc = 0.25 HOURS
2 YEAR Q = 0.92 CFS
10 YEAR Q = 3.70 CFS
100 YEAR Q = 7.46 CFS

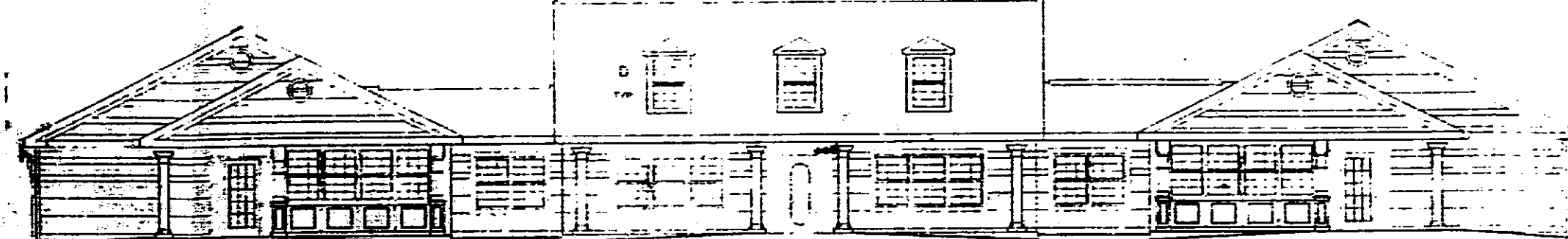
PROPOSED AREA = 2.37 ACRES, RCN = 71, Tc = 0.14 HOURS
2 YEAR Q = 2.72 CFS
10 YEAR Q = 7.12 CFS
100 YEAR Q = 12.64 CFS

2, 10 AND 100 YEAR MANAGEMENT REQUIRED

2 YEAR STORAGE REQUIREMENT = 2680 C.F.
10 YEAR STORAGE REQUIREMENT = 5077 C.F.
100 YEAR STORAGE REQUIREMENT = 8175 C.F.

WATER QUALITY STORAGE (1/2" IMPERVIOUS RUNOFF) = 1035 C.F.

TOTAL STORAGE REQUIREMENT = 3800 C.F.
TOTAL STORAGE PROVIDED = 3800 C.F.

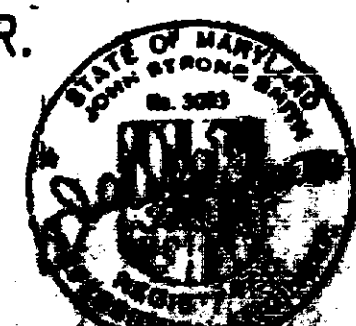


FRONT ELEVATION

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AND ASSOCIATES, INC.

CIVIL ENGINEERS & LAND SURVEYORS

658 KEHLWORTH DRIVE, SUITE 100
TOWSON, MARYLAND 21204
(301) 825-8120



OWNER / DEVELOPER

THOMAS BAUTZ
144 FRONT AVENUE
LUTHERVILLE, MD.
PH. 337-8008

/SPECIAL EXCEPTION PLAN/VARIANCE PLAN/
SPECIAL EXCEPTION PLAN UNDER B.C.Z.R. SECTION 1801.1C * 23 TO ALLOW GROUP SENIOR ASSISTED HOUSING CLASS "B" IN A D.R. ZONE.

VARIANCE PLAN UNDER B.C.Z.R. SECTION 1801.1B (2) AND (3) TO ALLOW PARKING WITHIN THE 75' OF A TRACT BOUNDARY WITHIN A RTA AND TO ALLOW THE CLEARING, GRADING AND CONSTRUCTION WITHIN 50' RTA & 75' RTA.
VARIANCE OF B.C.Z.R. SECTION 1801.2 C1a NONRESIDENTIAL PRINCIPAL BUILDING SETBACKS IN D.R. 3.5 ZONE REQUIRED FRONT YARD OF 50' TO PROPOSED 37'.

VARIANCE FROM SECTION 432.5 B11.1 OF B.C.Z.R. TO PARK IN FRONT YARD IN LIEU OF PARKING IN REAR OF SIDE YARD.
VARIANCE OF SECTION 432.4B.3b, TO LOCATE GROUP SENIOR ASSISTED HOUSING ON A LOCAL COLLECTOR STREET IN LIEU OF MAJOR ARTERIAL OR WITHIN A HISTORICAL DISTRICT.

SOIL TYPE	BLDG.-W/BSMT.	BLDG.-W/O BSMT	PARKING	CLASS
CaB2	MODERATE/SEASONAL	SLIGHT	MODERATE/SEASONAL	B
	WATER TABLE		WATER TABLE, SLOPE	
SnB	SLIGHT	SLIGHT	MODERATE : SLOPE	B

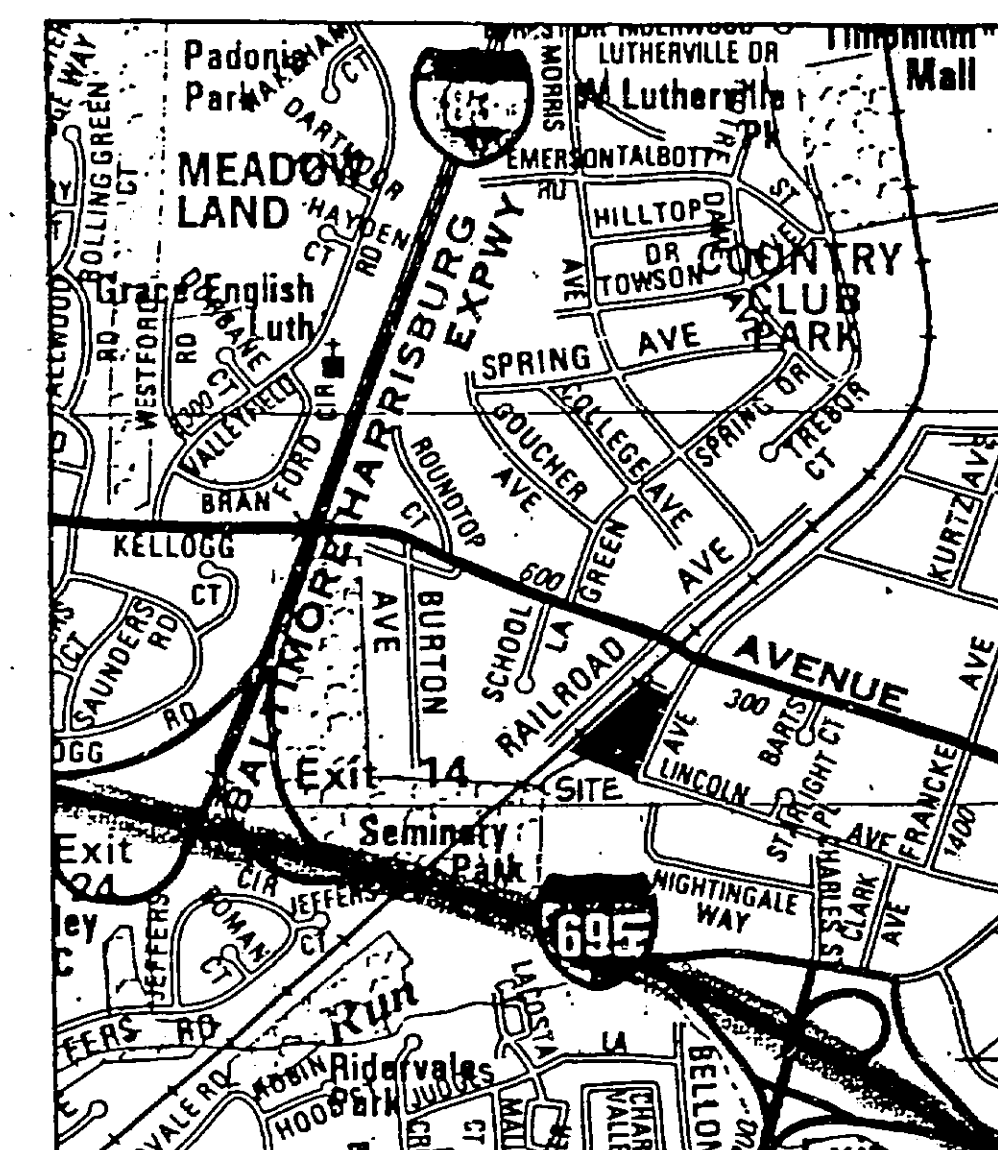
CERTIFICATION AS TO DELINQUENT ACCOUNTS
THIS CERTIFICATION IS SUBMITTED IN CONNECTION WITH THE DEVELOPMENT KNOWN AS WESTWICKIE AND IS GIVEN IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-35 (c) OF THE BALTIMORE COUNTY CODE, 1978, AS AMENDED.
I, THOMAS BAUTZ, NOW MAKE OATH THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO DELINQUENT ACCOUNTS FOR ANY OTHER DEVELOPMENT DUE AND OWED BALTIMORE COUNTY, MARYLAND BY THE APPLICANT, OR ANY PERSON WHO WILL PERFORM CONTRACTUAL IF APPLICANT IS A CORPORATION, THIS CERTIFICATE MUST BE SERVICES ON BEHALF OF THE PROPOSAL DEVELOPMENT.

I HEREBY CERTIFY, THAT ON THIS 28 DAY OF SEPTEMBER, 1995, BEFORE ME, THE SUBSCRIBER, A NOTARY PUBLIC IN AND FOR THE COUNTY AND STATE AFORESAID, PERSONALLY APPEARED THOMAS BAUTZ, AND MADE OATH IN DUE FORM OF LAW THAT THE MATTERS AND FACTS HEREINABOVE SET FORTH ARE TRUE.

MY COMMISSION EXPIRES: _____

NOTE:

COMPLETED BY AN AUTHORIZED OFFICER AND IF APPLICANT IS A PARTNERSHIP OR JOINT VENTURE, IT MUST BE COMPLETED BY A GENERAL PARTNER OR VENTURER OR AND OFFICER THEREOF, IF THE PARTNER OR VENTURER IS A CORPORATION.



VICINITY MAP
SCALE: 1" = 1000'

96-196-X

GENERAL NOTES

- DEED REFERENCE: 7055/022, 7058/253, R/W 85-377
- TAX ACCOUNT # 08-02-001502, 08-02-001503
- ELECTION DISTRICT # 8
- COUNCILMANIC DISTRICT # 4 CENSUS TRACT # 4902
- WATERSHED # 10 SUBSEWERSHED # 25
- SITE IS NOT SERVED BY AN MTA TRANSIT ROUTE.

ENVIRONMENTAL

- THERE ARE NO WETLANDS, STREAMS, 100 YR. FLOODPLAINS OR SLOPES GREATER THAN 25% EXISTING ON SITE.
- THERE ARE NO CRITICAL AREAS, ARCHEOLOGICAL SITES, HAZARDOUS MATERIALS, ENDANGERED SPECIES HABITATS OR HISTORICAL BUILDINGS / SITES KNOWN TO EXIST WITHIN THE PROPERTY LIMITS SHOWN ON THE PLAN.
- THERE ARE NO WELLS, SEPTICS OR UNDERGROUND STORAGE TANKS KNOWN TO EXIST ON THIS SITE.
- EXISTING BUILDINGS TO BE REMOVED SHALL BE SURVEYED FOR ASBESTOS PRIOR TO REMOVAL.

ZONING

- SITE AREA: 2.37 AC. +/-
- EXISTING ZONING OF SUBJECT PROPERTY: D.R. 3.5- 2.293 AC +/-, O-1-0.037 AC +/-, BL 0.040 AC +/-
- EXISTING USE: SINGLE FAMILY RESIDENTIAL LOTS
- PROPOSED USE: Assisted Housing Class B

DENSITY ALLOWED

(D.R. 3.5) 2.53 AC +/- X 3.5 = 8.795 D.U.
+ 0.22 AC +/- FRONT AVE. R/W
0-1 0.037 X 5.5 = 0.203 D.U.
BL 0.040 X 3.5 = 0.140 D.U.

TOTAL 9.138 D.U.

PROPOSED LOT 1 1.29 AC +/- X D.R. 3.5 UNITS X 4 BEDS = 18.06 15 BEDS PROPOSED

PROPOSED LOT 2 1.34 X D.R. 3.5 UNITS X 4 BEDS = 18.76 BEDS 15 BEDS PROPOSED

PROPOSED LOT 2 0.037 X D.R. 3.5 UNITS X 4 BEDS = 0.81 BEDS

16. PARKING REQUIRED LOT 1 1 SP PER 3 BEDS = 5 PROVIDED 12

PARKING REQUIRED LOT 2 1 SP PER 3 BEDS = 5 PROVIDED 11

17. LANDSCAPING:
THIS SITE SHALL BE LANDSCAPED IN ACCORDANCE WITH THE PROVISIONS OF THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- ADJACENT ROADS 350 LF @ 1:40 = 8.75 P.U.
- SCREENING OF SIDE AND REAR YARDS FROM R/W 160 LF @ 1:15 = 6 P.U.

PLANTING IN THE RTA _____ P.U.

18. TO FACILITATE SITE DISTANCE AT THE POINTS OF ACCESS TO THE SITE, THE EXISTING EVERGREEN TREES ALONG THE FRONT AVE. WILL BE TRIMMED TO A MAXIMUM HEIGHT OF 5' WHERE APPROPRIATE. WHERE EXISTING TREES WILL BE TRIMMED, SUPPLEMENTAL PLANTS WILL BE IMPLEMENTED BEHIND THE SIGHTLINES TO RESTORE A VISUAL LANDSCAPE BUFFER.

19. THE GREENWAY IS TO BE ESTABLISHED AS A BIKE & HIKE TRAIL WHEN CONNECTED TO AN OVERALL SYSTEM.

20. AREA BETWEEN THE SIGHTLINES AND THE CURB LINES MUST BE CLEARED AND KEPT FREE OF ANY OBSTRUCTIONS.

21. EACH LOT SHALL PROVIDE 500 SQUARE FEET OF OPEN SPACE.

BAUTZ PROPERTY

1414 FRONT AVENUE
LUTHERVILLE, MARYLAND

DATE 8/27/95 11:25 AM 1E SITE WAS ISSUED A 'B1 AND B9' EXEMPTION ON 9/26/95 BY THE DRC.